

THURSDAY, FEBRUARY 20, 2014
FORTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Randy Mutter, First United Methodist, New Johnsonville, TN.

Representative Tidwell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, Dennis, Doss, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McManus; illness

CLERK'S NOTE TO JOURNAL
February 19, 2013

Pursuant to **Rule No. 47**, the following bills have been reassigned:

House Bill No. 1461 -- Tobacco, Tobacco Products -- House Agriculture and Natural Resources Committee to House Finance, Ways & Means Committee

House Bill No. 2294 -- Education, Curriculum -- House Education Committee to House Civil Justice Committee

2778

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 593 Rep(s). Shaw as prime sponsor(s).

House Joint Resolution No. 681 Rep(s). Womick, Sparks and D. White as prime sponsor(s).

House Joint Resolution No. 688 Rep(s). Travis as prime sponsor(s).

House Bill No. 8 Rep(s). Sargent, Casada and Durham as prime sponsor(s).

House Bill No. 84 Rep(s). T. Hill as prime sponsor(s).

House Bill No. 610 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 644 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 671 Rep(s). Camper as prime sponsor(s).

House Bill No. 926 Rep(s). Durham as prime sponsor(s).

House Bill No. 1089 Rep(s). Sargent as prime sponsor(s).

House Bill No. 1257 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 1265 Rep(s). Shaw and M. Turner as prime sponsor(s).

House Bill No. 1279 Rep(s). Fitzhugh and Casada as prime sponsor(s).

House Bill No. 1368 Rep(s). Rogers and Kane as prime sponsor(s).

House Bill No. 1370 Rep(s). Sanderson and Hardaway as prime sponsor(s).

House Bill No. 1372 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 1405 Rep(s). Matheny, D. White, Carter and Hall as prime sponsor(s).

House Bill No. 1414 Rep(s). McManus as prime sponsor(s).

House Bill No. 1420 Rep(s). Dunn as prime sponsor(s).

House Bill No. 1439 Rep(s). Dean as prime sponsor(s).

House Bill No. 1467 Rep(s). G. Johnson as prime sponsor(s).

House Bill No. 1488 Rep(s). Durham as prime sponsor(s).

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1538 Rep(s). Doss, Shipley, Halford, Keisling, Lynn, Rogers, Moody and M. White as prime sponsor(s).

House Bill No. 1559 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 1575 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 1580 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 1660 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 1663 Rep(s). Durham as prime sponsor(s).

House Bill No. 1711 Rep(s). K. Williams, M. Turner, Matheny, Tidwell, Cooper, Odom, Shepard, Powell, J. Turner, Gilmore, Miller, Armstrong, J. DeBerry, Akbari and Love as prime sponsor(s).

House Bill No. 1841 Rep(s). Rogers as prime sponsor(s).

House Bill No. 1848 Rep(s). Marsh, Shaw, Sparks and Rogers as prime sponsor(s).

House Bill No. 1849 Rep(s). Sparks as prime sponsor(s).

House Bill No. 1944 Rep(s). Haynes as prime sponsor(s).

House Bill No. 1983 Rep(s). Durham as prime sponsor(s).

House Bill No. 2037 Rep(s). Lamberth and Evans as prime sponsor(s).

House Bill No. 2093 Rep(s). Camper as prime sponsor(s).

House Bill No. 2094 Rep(s). Camper as prime sponsor(s).

House Bill No. 2110 Rep(s). Dean as prime sponsor(s).

House Bill No. 2118 Rep(s). Durham as prime sponsor(s).

House Bill No. 2129 Rep(s). Casada as prime sponsor(s).

House Bill No. 2194 Rep(s). Camper as prime sponsor(s).

House Bill No. 2249 Rep(s). Matheny as prime sponsor(s).

House Bill No. 2250 Rep(s). Hall, Butt, Matheny, M. Hill, Moody, D. White, Kane, Carter, Holt, Shipley, Floyd, Spivey, Eldridge and Durham as prime sponsor(s).

House Bill No. 2293 Rep(s). Casada, J. DeBerry, Sparks, Butt, Matheny, M. Hill, Moody, D. White, Carter, Holt, Spivey, Eldridge as prime sponsor(s).

House Bill No. 2303 Rep(s). Fitzhugh, Shaw, Shipley, Durham, Odom, Travis and Sexton as prime sponsor(s).

House Bill No. 2321 Rep(s). Durham as prime sponsor(s).

House Bill No. 2332 Rep(s). Weaver, Dean, Rogers, Casada, Todd, K. Brooks and Matheny as prime sponsor(s).

House Bill No. 2348 Rep(s). Pitts and Love as prime sponsor(s).

House Bill No. 2408 Rep(s). Stewart as prime sponsor(s).

House Bill No. 2411 Rep(s). Carter as prime sponsor(s).

House Bill No. 2419 Rep(s). Casada as prime sponsor(s).

House Bill No. 2445 Rep(s). Casada as prime sponsor(s).

House Bill No. 2468 Rep(s). T. Hill as prime sponsor(s).

House Bill No. 2484 Rep(s). Alexander as prime sponsor(s).

House Bill No. 2504 Rep(s). Weaver and Rogers as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s) Durham was/were removed as sponsor(s) of **House Bill No. 1488**.

On motion, Rep(s). Jernigan was/were removed as sponsor(s) of **House Bill No. 1728**.

On motion, Rep(s). Todd was/were removed as sponsor(s) of **House Bill No. 2143**.

On motion, Rep(s). Windle was/were removed as sponsor(s) of **House Bill No. 2234**.

On motion, Rep(s). Shipley was/were removed as sponsor(s) of **House Bill No. 2293**.

MESSAGE FROM THE GOVERNOR February 14, 2014

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 652, 653, 654, 655, 656, 657, 658, 659, 660, 662, 664, 665 and 666; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**MESSAGE FROM THE SENATE
February 19, 2014**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1546, 1563, 1570, 1576 and 1581; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
February 19, 2014**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 1546, 1563, 1570, 1576 and 1581.

JOE McCORD, Chief Clerk

**MESSAGE FROM THE GOVERNOR
February 19, 2014**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1402; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1803; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 1803 -- Criminal Offenses - As introduced, broadens the list of victims of the offense of retaliation for past action to include employees of a court clerk; makes it unlawful to engage in such offense against such employees. - Amends TCA Title 39, Chapter 16, Part 5. by *Gardenhire. (*HB1692 by *Dean)

PRESENT IN CHAMBERS

Representative(s) J. DeBerry and Cooper was/were recorded as being present in the Chamber.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Ramsey joined by Representatives of the Black Caucus was recognized in the Well to honor Blount County's African-American soldiers who served in the Civil War and the valiant men of the United States Colored Heavy Artillery.

RESOLUTION READ

The Clerk read House Joint Resolution No. 694, honoring the heroism of Blount County's African-American soldiers who served in the Civil War and the valiant men of the United States Colored Heavy Artillery.

House Joint Resolution No. 694 -- Memorials, Heroism - Honors Blount County's African-American soldiers who served in the Civil War and the valiant men of the United States Colored Heavy Artillery. by *Ramsey.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 154** -- General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to Tennessee rules of criminal procedure promulgated by the supreme court. by *Lundberg.

House Civil Justice Committee

***House Resolution No. 155** -- General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to Tennessee rules of civil procedure promulgated by the supreme court. by *Lundberg.

House Civil Justice Committee

***House Resolution No. 156** -- General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to Tennessee rules of appellate procedure promulgated by the supreme court. by *Lundberg.

House Civil Justice Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 24, 2014:

House Resolution No. 157 -- Memorials, Recognition - James H. Childress, 2014 Community Hero, Tennessee's first African-American Fire Captain. by *Armstrong, *Butt.

House Resolution No. 158 -- Memorials, Death - William H. Necessary. by *Hill T.

House Joint Resolution No. 689 -- Memorials, Recognition - Elder Charles Allen. by *Watson.

House Joint Resolution No. 690 -- Memorials, Professional Achievement - Patrolman Dustin Stewart, Bartlett Police Department's Officer of the Year. by *Lollar, *Coley.

House Joint Resolution No. 691 -- Memorials, Personal Achievement - Jeremy Carver, 2013 Knights of Columbus Firefighter of the Year. by *Coley, *Lollar.

House Joint Resolution No. 692 -- Memorials, Personal Occasion - Richard & Glenda Watson, 50th wedding anniversary. by *Watson.

House Joint Resolution No. 693 -- Memorials, Recognition - Commemorates Arnold Engineering Development Complex. by *Matheny.

House Joint Resolution No. 694 -- Memorials, Heroism - Honors Blount County's African-American soldiers who served in the Civil War and the valiant men of the United States Colored Heavy Artillery. by *Ramsey.

House Joint Resolution No. 695 -- Memorials, Death - Elizabeth "Libby" Storie Sharp. by *Carr D, *Farmer.

House Joint Resolution No. 696 -- Memorials, Personal Achievement - Sheldon Kappel, eagle scout. by *Hill M.

House Joint Resolution No. 697 -- Memorials, Recognition - George Washington Carver. by *Holt, *Faison.

House Joint Resolution No. 698 -- Memorials, Congratulations - Babe Ruth District 8 All-Star baseball team of Lawrenceburg. by *Doss.

House Joint Resolution No. 699 -- Memorials, Congratulations - Babe Ruth District 8 All-Star baseball team of Lawrenceburg on winning the 2013 District 8 and East Tennessee Babe Ruth League Championship and for their 3rd place finish in that league's Southeast Region Championships. by *Doss.

House Joint Resolution No. 700 -- Memorials, Sports - South Lawrence Elementary boys basketball. by *Doss.

House Joint Resolution No. 701 -- Memorials, Sports - Lawrenceburg 7 year old All Stars baseball team. by *Doss.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Joint Resolution No. 702 -- Memorials, Public Service - Freddy Brashears. by *Matlock, *Calfee.

House Joint Resolution No. 703 -- Memorials, Personal Achievement - Steven Frazier Munsey, Eagle Scout. by *Matlock, *Calfee.

House Joint Resolution No. 704 -- Memorials, Personal Achievement - Ryan Charles Burcham, Eagle Scout. by *Matlock, *Calfee.

House Joint Resolution No. 705 -- Memorials, Personal Achievement - Charlie Valentine, Eagle Scout. by *Matlock, *Calfee.

House Joint Resolution No. 706 -- Memorials, Personal Achievement - Tristan Wall, Eagle Scout. by *Matlock, *Calfee.

House Joint Resolution No. 707 -- Memorials, Personal Achievement - Thomas Glanville, Eagle Scout. by *Matlock, *Calfee.

House Joint Resolution No. 708 -- Memorials, Sports - E.O. Coffman Middle School Lady Panthers basketball team. by *Doss.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2499** -- Judges and Chancellors - As introduced, revises provisions governing base salary for district attorneys general, judges and chancellors. - Amends TCA Sections 8-7-105 and 8-23-103. by *Sargent, *McCormick.

***House Bill No. 2500** -- Public Funds and Financing - As introduced, specifies how proceeds from the sale and conveyance of surplus real property or improvements used for state forestry or other operations of the department of agriculture are to be used; revises other various statutory provisions required for implementation of the annual appropriations act. - Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 7. by *Sargent, *McCormick.

***House Bill No. 2501** -- Appropriations - As introduced, makes appropriations for fiscal years beginning July 1, 2013, and July 1, 2014. by *Sargent, *McCormick.

***House Bill No. 2502** -- Bond Issues - As introduced, authorizes the state to issue and sell bonds of up to \$167.6 million. by *Sargent, *McCormick.

***House Bill No. 2503** -- Taxes, Real Property - As introduced, specifies that the costs of the property tax relief program are subject to annual appropriations. - Amends TCA Title 67. by *Sargent, *McCormick.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 2504 -- Sumner County - As introduced, creates new division III of general sessions court; creates position of judge to serve such division; and provides that a person be appointed to serve as judge of division III by the county legislative body on or after September 1, 2014, but not later than September 1, 2015. - Amends Chapter 481 of the Private Acts of 1949; as amended. by *Lamberth, *Weaver, *Rogers.

House Bill No. 2505 -- Mountain City - As introduced, subject to local approval, moves the town's elections from March in odd numbered years to coincide with the regular November election in even numbered years; extends terms in order to move election dates. - Amends Chapter 133 of the Private Acts of 1986; as amended. by *Hill T.

House Bill No. 2506 -- Wilson County - As introduced, subject to local approval, increases the hotel/motel tax in Wilson County from an amount not to exceed 5 percent to an amount not to exceed 6 percent; requires the 1 percent increase to be used exclusively to pay off any indebtedness incurred from the construction of the Expo Center at the James A. Ward Agricultural Center. - Amends Chapter 208 of the Private Acts of 1980; as amended. by *Pody.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1496 -- Firearms and Ammunition - As introduced, permits a person with a handgun carry permit to carry a firearm in any state, county or municipal park or other recreation area; deletes provisions allowing local governments to prohibit carrying in parks by resolution or ordinance. - Amends TCA Title 39, Chapter 17, Part 13. by *Campfield. (*HB1407 by *Goins, *Rogers, *Lamberth, *Carter, *Hall, *Hill T, *Dennis, *Coley, *Lollar, *Ragan, *Van Huss, *Farmer, *Kane, *Matheny, *Littleton, *Faison, *Hawk, *Shipley, *Lundberg, *Calfee, *Sexton, *Wirgau, *Keisling, *Matlock, *Womick, *Spivey, *Weaver, *Watson, *Evans, *Eldridge, *Rich)

Senate Bill No. 1616 -- Correction, Dept. of - As introduced, establishes a filing deadline, of six months from the date that medical services are provided, for claims against the state relative to the payment of expenses for the medical care of prisoners; establishes a filing deadline, of six months from the date of entry of judgment of conviction, for claims against the state relative to the payment of costs incurred in the prosecution and safekeeping of criminal defendants. - Amends TCA Title 40, Chapter 25, Part 1 and Section 41-4-115. by *Norris, *McNally, *Ketrone, *Bowling, *Burks. (*HB1412 by *McCormick, *White M, *Brooks K, *Bailey)

***Senate Bill No. 1720** -- Taxes, Real Property - As introduced, allows county mayors to require training of county board of equalization members and hearing officers; restates notice procedures regarding property tax appeals; permits electronic notification and recordation. - Amends TCA Title 67, Chapter 1, Part 4 and Title 67, Chapter 5. by *Green. (HB1530 by *Carr D)

***Senate Bill No. 1742** -- Utilities, Utility Districts - As introduced, prohibits a municipality from subsidizing a public works system with tax revenues; updates auditing terminology for utilities. - Amends TCA Title 7, Chapter 34, Part 1; Title 7, Chapter 82, Part 3; Title 7, Chapter 82, Part 4; Title 7, Chapter 82, Part 7; Title 9, Chapter 21, Part 3 and Title 68, Chapter 221, Part 10. by *Massey, *Yager. (HB1650 by *Sexton, *Swann, *Marsh)

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

***Senate Bill No. 1901** -- Election Laws - As introduced, authorizes the county election commissions in counties that share a municipality to designate, by agreement, a polling place and early voting location within the limits of the municipality but outside the boundaries of one of the respective counties; authorizes voters residing within the limits of a municipality that is located within two counties to vote at the location established by such agreement. - Amends TCA Title 2. by *Haile. (HB1916 by *Evans)

***Senate Bill No. 2314** -- Alcoholic Beverages - As introduced, allows the sale of alcoholic beverages for on-premises consumption at a facility in Loudon County on Tellico Lake that has a marina and championship golf course. - Amends TCA Section 57-4-102. by *McNally. (HB2143 by *Armstrong)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2498 -- Milan -- House Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 18, 2014**, reported the following:

AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The Agriculture and Natural Resources Committee recommended for passage: House Bill(s) No(s). 1436 and 1796, also House Bill(s) No(s). 1562 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2058 and House Joint Resolution(s) No(s). 667, also House Bill(s) No(s). 384 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND HUMAN RESOURCES COMMITTEE

The Consumer and Human Resources Committee transmitted the following bill(s) to the Government Operations Committee for review: House Bill(s) No(s). 1660, also House Bill(s) No(s). 1242 with amendments.

EDUCATION COMMITTEE

The Education Committee recommended for passage: Senate Joint Resolution(s) No(s). 535, also House Joint Resolution(s) No(s). 661 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also transmitted the following bill(s) to the Health Committee: House Bill(s) No(s). 1383 with amendments.

2787

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways & Means Committee recommended for passage: House Bill(s) No(s). 1422, also House Bill(s) No(s). 937, 1469 and 590 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS COMMITTEE

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1417, 1583, 1587, 1604, 1605, 1607, 1613, 1624, 1627, 1632, 1644, also House Bill(s) No(s). 1593, 1576, 1590, 1591, 1592 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1386. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

INSURANCE AND BANKING COMMITTEE

The Insurance and Banking Committee recommended for passage: House Bill(s) No(s). 1414, 2118 and 1413 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

LOCAL GOVERNMENT COMMITTEE

The Local Government Committee recommended for passage: House Bill(s) No(s). 1553, 2302, 2408, 2138. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1801, also House Bill(s) No(s). 19 and 1468 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE GOVERNMENT COMMITTEE

The State Government Committee recommended for passage: House Bill(s) No(s). 1944, also House Bill(s) No(s). 1419, 1708 and 1541 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2091, 1752, 1915 and House Joint Resolution(s) No(s). 634, also House Bill(s) No(s). 1384 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION COMMITTEE

The Transportation Committee recommended for passage: House Bill(s) No(s). 1439 and 1739 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2110 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 19, 2014**, reported the following:

BUSINESS AND UTILITIES COMMITTEE

The Business and Utilities Committee recommended for passage: House Bill(s) No(s). 2251, also House Bill(s) No(s). 1139, 1380, 1408 and 1409 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1765, also House Bill(s) No(s). 1856 and 1650 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CIVIL JUSTICE COMMITTEE

The Civil Justice Committee recommended for passage: House Bill(s) No(s). 1943 and 1918, also House Bill(s) No(s). 1851, 1556 and 1522 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1442 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CRIMINAL JUSTICE COMMITTEE

The Criminal Justice Committee recommended for passage: House Bill(s) No(s). 2267, also House Bill(s) No(s). 1759 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH COMMITTEE

The Health Committee recommended for passage: House Joint Resolution(s) No(s). 636. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 20, 2014**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 24, 2014**: House Bill(s) No(s). 1434, 1414, 1544, 1545, 1708, 1943, 1417, House Joint Resolution(s) No(s). 661, House Bill(s) No(s). 590, 1419, 937, 1479.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

The committee also set the following bill(s) on the **Regular Calendar** for **February 27, 2014**: House Bill(s) No(s). 1409, 1759, 2302, 1422, 1562, 2118, 1439, 1553, 1139, 1591, 1590, 1592, 1593, 1576, and 1918.

It further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 24, 2014**: House Bill(s) No(s). 1944, 1796, 2408, 1583, 1604, 1605, 1607, 1613, 1624, 1627, 1632, 1644, and 1587.

CONSENT CALENDAR

***House Bill No. 1733** -- Secretary of State - As introduced, requires that whenever a business organization's address is required on a document to be filed with the secretary of state, and the United States Postal Service does not deliver mail to the address, then a mailing address that the United States Postal Service does deliver mail to shall be provided. - Amends TCA Title 48 and Title 61. by *Goins.

***House Bill No. 1418** -- Foster Care - As introduced, changes terminology from "post-custody" to "extension of foster care" in existing post-custody services statute. - Amends TCA Title 37, Chapter 2, Part 6. by *McCormick, *Brooks H, *Brooks K.

On motion, House Bill No. 1418 was made to conform with **Senate Bill No. 1622**; the Senate Bill was substituted for the House Bill.

House Bill No. 1575 -- Sunset Laws - As introduced, extends the department of veterans' affairs, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 25. by *Matheny, *Ragan.

House Bill No. 1580 -- Sunset Laws - As introduced, extends the Tennessee bureau of investigation, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 38, Chapter 6. by *Matheny, *Ragan.

House Bill No. 1581 -- Sunset Laws - As introduced, extends Tennessee housing development agency, board of directors, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 13, Chapter 23. by *Matheny, *Ragan.

House Bill No. 1582 -- Sunset Laws - As introduced, extends the board of physical therapy, June 30, 2019. - Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 13, Part 3. by *Matheny, *Ragan.

House Bill No. 1585 -- Sunset Laws - As introduced, extends board of social work licensure, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 23, Part 1. by *Matheny, *Ragan.

House Bill No. 1588 -- Sunset Laws - As introduced, extends the Tennessee board of water quality, oil and gas, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2; Title 13, Chapter 18; Title 59, Chapter 10; Title 59, Chapter 8, Part 2; Title 60, Chapter 1; Title 67, Chapter 7; Title 68, Chapter 221, Part 7 and Title 69, Chapter 3. by *Matheny, *Ragan.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1598 -- Sunset Laws - As introduced, extends the Carroll County watershed authority, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 8. by *Matheny, *Ragan.

On motion, House Bill No. 1598 was made to conform with **Senate Bill No. 1515**; the Senate Bill was substituted for the House Bill.

House Bill No. 1602 -- Sunset Laws - As introduced, extends the Beech River watershed development authority, board of directors, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 1. by *Matheny, *Ragan.

On motion, House Bill No. 1602 was made to conform with **Senate Bill No. 1514**; the Senate Bill was substituted for the House Bill.

House Bill No. 1606 -- Sunset Laws - As introduced, extends the Southern Regional Education Compact, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49, Chapter 12, Part 1. by *Matheny, *Ragan.

House Bill No. 1612 -- Sunset Laws - As introduced, extends the Tennessee Duck River development agency, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 6. by *Matheny, *Ragan.

On motion, House Bill No. 1612 was made to conform with **Senate Bill No. 1519**; the Senate Bill was substituted for the House Bill.

House Bill No. 1615 -- Sunset Laws - As introduced, extends the Sequatchie Valley planning and development agency, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 5. by *Matheny, *Ragan.

On motion, House Bill No. 1615 was made to conform with **Senate Bill No. 1517**; the Senate Bill was substituted for the House Bill.

House Bill No. 1621 -- Sunset Laws - As introduced, extends the department of revenue, June 30, 2018; requires the department to report to the joint government operations committee on judiciary and government by October 1, 2014, concerning issues raised in its 2013 audit. - Amends TCA Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 19. by *Matheny, *Ragan.

House Bill No. 1622 -- Sunset Laws - As introduced, extends the local government planning advisory committee, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 4, Chapter 3, Part 7. by *Matheny, *Ragan.

House Bill No. 1625 -- Sunset Laws - As introduced, extends the pest control board, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2; Section 4-3-1304 and Title 62, Chapter 21, Part 1. by *Matheny, *Ragan.

House Bill No. 1638 -- Sunset Laws - As introduced, extends the Chickasaw basin authority, June, 30 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 2. by *Matheny, *Ragan.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

On motion, House Bill No. 1638 was made to conform with **Senate Bill No. 1516**; the Senate Bill was substituted for the House Bill.

House Bill No. 1639 -- Sunset Laws - As introduced, extends the child care advisory council, June 30, 2019. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49, Chapter 1, Part 3. by *Matheny, *Ragan.

On motion, House Bill No. 1639 was made to conform with **Senate Bill No. 1531**; the Senate Bill was substituted for the House Bill.

House Bill No. 1642 -- Sunset Laws - As introduced, extends the department of agriculture, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 2. by *Matheny, *Ragan.

House Bill No. 1645 -- Sunset Laws - As introduced, reduces sunset period for the West Fork Drakes Creek dam and reservoir interstate authority, from June 30, 2016 to June 30, 2015. - Amends TCA Title 4, Chapter 29, Part 2 and Title 64, Chapter 1, Part 9. by *Matheny, *Ragan.

On motion, House Bill No. 1645 was made to conform with **Senate Bill No. 1520**; the Senate Bill was substituted for the House Bill.

House Bill No. 1646 -- Sunset Laws - As introduced, extends the integrated criminal justice steering committee, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 16, Chapter 3, Part 8. by *Matheny, *Ragan.

On motion, House Bill No. 1646 was made to conform with **Senate Bill No. 1543**; the Senate Bill was substituted for the House Bill.

House Resolution No. 149 -- Memorials, Professional Achievement - David Simcox, 2013 Middle Tennessee Assessor of the Year. by *Sexton.

House Resolution No. 152 -- Memorials, Recognition - Velma Lois Jones, Living Legacy Award recipient. by *Parkinson.

House Resolution No. 153 -- Memorials, Recognition - The First Noelle. by *White D.

House Joint Resolution No. 681 -- Memorials, Recognition - William Ransom Jones, Sr. by *Carr J.

House Joint Resolution No. 686 -- Memorials, Death - Walter Crawford Flowers. by *Wirgau.

House Joint Resolution No. 688 -- Memorials, Sports - IRONMAN Chattanooga 2014. by *McCormick, *Dean, *Carter, *Favors, *Floyd.

Senate Joint Resolution No. 569 -- Memorials, Retirement - Bernice Csaszar. by *Johnson, *Bowling, *Ketron, *Dickerson, *Tracy.

Senate Joint Resolution No. 570 -- Memorials, Recognition - State of Franklin chapter of the National Society Daughters of the American Revolution. by *Crowe.

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Senate Joint Resolution No. 571 -- Memorials, Recognition - Pellissippi State Community College. by *Massey, *Overbey.

Senate Joint Resolution No. 572 -- Memorials, Congratulations - McNairy County Landowners Forestry Association, 2013 County Forestry Association of the Year. by *Gresham, *Tracy.

Senate Joint Resolution No. 573 -- Memorials, Retirement - Lynn Elkins. by *Southerland.

Senate Joint Resolution No. 574 -- Memorials, Retirement - Judge Daniel B. Eisenstein. by *Dickerson, *Henry, *Harper, *Yager.

Senate Joint Resolution No. 575 -- Memorials, Recognition - Delta Company, 4th Combat Engineer Battalion, 4th Marine Division, Marine Forces Reserve. by *Beavers, *Massey, *Campfield, *McNally.

Senate Joint Resolution No. 576 -- Memorials, Recognition - Bobby D. Vincent. by *Yager, *Tracy, *Watson.

Senate Joint Resolution No. 577 -- Memorials, Professional Achievement - Johnny Joe Dower. by *Yager, *Tracy.

Senate Joint Resolution No. 583 -- Memorials, Recognition - Hal Crocker, Jackson Man of the Year. by *Finney.

OBJECTION--CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 573: by Rep. Goins

Under the rules, Senate Joint Resolution(s) No(s). 573 were placed at the heel of the calendar for February 24, 2014.

Rep. Lynn moved that all members voting aye on Senate Joint Resolution No. 575 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes..... 0

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1005 -- Insurance Companies, Agents, Brokers, Policies - As introduced, makes various changes concerning coverage of sinkhole losses and subsequent structural repair. - Amends TCA Section 56-7-130. by *Kane, *Haynes, *Eldridge, *Matlock. (*SB880 by *Tracy)

Rep. Kane requested that House Bill No. 1005 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 1405** -- Firearms and Ammunition - As introduced, defines "motor vehicle" for purposes of the type of vehicle in which a handgun carry permit holder may transport and store a firearm or firearm ammunition in a parking lot. - Amends TCA Title 39, Chapter 17, Part 13. by *McCormick, *Rogers, *Moody, *Jernigan, *Butt, *Casada, *Tidwell, *Lamberth, *Sexton, *Bailey, *Goins, *Holt, *Sanderson, *Evans, *Todd, *Dunn, *Brooks H, *Matheny, *Carter, *Hall. (SB1701 by *Green)

Rep. McCormick requested that House Bill No. 1405 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 1247** -- Insurance Companies, Agents, Brokers, Policies - As introduced, reduces the time period that commercial lines insurance insurers have to furnish a requesting insured with a loss run history and subjects insurers violating the time-period to certain penalties. - Amends TCA Title 56. by *Keisling. (SB1350 by *Yager)

Rep. Keisling moved that House Bill No. 1247 be passed on third and final consideration.

Rep. Keisling requested that House Bill No. 1247 be moved to the heel of the Calendar, which motion prevailed.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1756 -- Alcoholic Beverages - As introduced, deletes the tennis court requirement at Blackberry Farm for purposes of qualifying for a license for consumption of alcoholic beverages on the premises. - Amends TCA Title 57, Chapter 4. by *Swann. (*SB1648 by *Overbey)

On motion, House Bill No. 1756 was made to conform with **Senate Bill No. 1648**; the Senate Bill was substituted for the House Bill.

Rep. Swann moved that **Senate Bill No. 1648** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes.....	8
Present and not voting.....	6

Representatives voting aye were: Akbari, Armstrong, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Dean, DeBerry J, Dennis, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Halford, Hall, Hardaway, Hawk, Haynes, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 79

Representatives voting no were: Dunn, Floyd, Hill M, Hill T, Lollar, Roach, Rogers, Windle -- 8

Representatives present and not voting were: Alexander, Butt, Cooper, Doss, Evans, Powers -- 6

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 1648** and have this statement entered in the Journal: Rep(s). Moody.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “present not voting” on **Senate Bill No. 1648** and have this statement entered in the Journal: Rep(s). Pody.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1435** -- Environmental Preservation - As introduced, revises the process for third party appeals of permitting decisions pertaining to air quality, solid waste and hazardous waste. - Amends TCA Title 68, Chapter 201; Title 68, Chapter 211 and Title 68, Chapter 212. by *McCormick, *Swann, *Brooks K. (SB1640 by *Norris, *Southerland)

2795

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

On motion, House Bill No. 1435 was made to conform with **Senate Bill No. 1640**; the Senate Bill was substituted for the House Bill.

Rep. Swann moved that **Senate Bill No. 1640** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, DeBerry J, Dennis, Doss, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

House Bill No. 1663 -- Real Estate Agents and Brokers - As introduced, revises the "Notice of Agreement to Pay Leasing Commission" used by commercial real estate brokers. - Amends TCA Title 62. by *Farmer, *McCormick. (*SB1761 by *Ketron)

Rep. Farmer moved that House Bill No. 1663 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1663 by deleting the effective date section and by substituting instead the following:

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and SECTION 3 shall apply to any cause of action for which the subsequent owner has notice on or after the effective date of this act that fees or commissions are owing, the public welfare requiring it.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Farmer moved that **House Bill No. 1663**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Present and not voting..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, DeBerry J, Dennis, Doss, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

Representatives present and not voting were: Pody -- 1

A motion to reconsider was tabled.

***House Bill No. 1370** -- Arrests - As introduced, prohibits arrest warrant or summons being issued for felony offense if affiant not a law enforcement officer unless warrant necessary to prevent immediate danger of domestic assault; requires summons be issued for misdemeanor offense if affiant not an officer. - Amends TCA Title 40, Chapter 6. by *Lamberth, *Sexton, *Hardaway. (SB1434 by *Overbey)

Rep. Lamberth moved that House Bill No. 1370 be passed on third and final consideration.

Rep. Watson moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lamberth moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1370 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-6-205, is amended by deleting the final sentence of subsection (a) and subsection (b) in its entirety and by substituting instead the following:

(b) In determining whether to issue an arrest warrant pursuant to subsection (a), or a criminal summons pursuant to § 40-6-215, the following shall apply:

(1) If a single or multiple affiants are seeking a warrant of arrest for a felony or misdemeanor offense, and at least one (1) or more of the affiants is a law enforcement officer, as defined by § 39-11-106, the magistrate shall issue an arrest warrant unless the law enforcement officer requests a summons be issued instead.

(2) If a single or multiple affiants are seeking a warrant of arrest for a misdemeanor offense, as defined in § 39-11-110, and none of the affiants is a law enforcement officer, as defined by § 39-11-106, there is a presumption that the magistrate shall issue a criminal summons. The presumption is overcome if:

(A) The affiant or affiants request a warrant, submit sufficient information demonstrating the need for a warrant, and the magistrate agrees that an arrest warrant should be issued instead of a summons; or

(B) The magistrate finds an arrest warrant is necessary to prevent immediate danger to a victim of domestic abuse, sexual assault or stalking as defined in § 36-3-601.

(3) If a single or multiple affiants are seeking a warrant of arrest for a felony offense as defined in § 39-11-110, and none of the affiants is a law enforcement officer, as defined by § 39-11-106, there is a presumption that the magistrate shall not issue either a criminal summons as provided in § 40-6-215, or an arrest warrant. This presumption is overcome if the magistrate finds an arrest warrant is necessary to prevent immediate danger to a victim of domestic abuse, sexual assault or stalking as defined in § 36-3-601.

SECTION 2. Tennessee Code Annotated, Section 40-6-215, is amended by deleting subsection (a) and substituting instead the following:

(a) As an alternative to an arrest warrant as provided in § 40-6-205, the magistrate or clerk may issue a criminal summons instead of an arrest warrant. In determining whether to issue a criminal summons or an arrest warrant as provided in § 40-6-205, this subsection shall apply:

(1) If a single or multiple affiants are seeking a warrant of arrest for a felony or misdemeanor offense, and at least one (1) or more of the affiants is a law enforcement officer, as defined by § 39-11-106, the magistrate shall issue an arrest warrant unless the law enforcement officer requests a summons be issued instead.

(2) If a single or multiple affiants are seeking a warrant of arrest for a misdemeanor offense, as defined in § 39-11-110, and none of the affiants is a law enforcement officer, as defined by § 39-11-106, there is a presumption that the magistrate shall issue a criminal summons. The presumption is overcome if:

(A) The affiant or affiants request a warrant, submit sufficient information demonstrating the need for a warrant, and the magistrate agrees that an arrest warrant should be issued instead of a summons; or

(B) The magistrate finds an arrest warrant is necessary to prevent immediate danger to a victim of domestic abuse, sexual assault or stalking as defined in § 36-3-601.

(3) If a single or multiple affiants are seeking a warrant of arrest for a felony offense as defined in § 39-11-110, and none of the affiants is a law enforcement officer, as defined by § 39-11-106, there is a presumption that the magistrate shall not issue either a criminal summons as provided in § 40-6-215, or an arrest warrant. This presumption is overcome if the magistrate finds an arrest warrant is necessary to prevent immediate danger to a victim of domestic abuse, sexual assault or stalking as defined in § 36-3-601.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it and shall apply to all warrants of arrest and criminal summons issued before or after such date.

On motion, Amendment No. 2 was adopted.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Lamberth moved that **House Bill No. 1370**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

***House Bill No. 1488** -- Criminal Procedure - As introduced, allows a magistrate to issue a search warrant based on information communicated by telephone or other reliable electronic means. - Amends TCA Title 39 and Title 40. by *Lamberth, *Carter, *Shipley, *Hardaway, *Sexton. (SB1685 by *Green)

Rep. Lamberth moved that House Bill No. 1488 be passed on third and final consideration.

Rep. Watson moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1488 by deleting the final sentence of subsection (a) of the 40-6-109 of the amendatory language of SECTION 1 and substituting instead the following:

The issuing magistrate shall issue a copy of the warrant, with electronic signatures, to the affiant.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Lamberth requested that House Bill No. 1488 be moved to the heel of the Calendar, which motion prevailed.

***House Bill No. 1462** -- Lottery, Charitable - As introduced, extends deadline for applications for 2013-2014 annual events for three days after effective date of act. - Amends TCA Title 3, Chapter 17, Part 1. by *Turner M, *Haynes. (SB1651 by *Dickerson)

Rep. M. Turner moved that **House Bill No. 1462** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

Representatives voting no were: Dunn, Holt -- 2

Representatives present and not voting were: Evans -- 1

A motion to reconsider was tabled.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1089 -- Education, Higher - As introduced, requires that, prior to being submitted to the general assembly, all requests for funding certain higher education projects for a board of regents or University of Tennessee member institution be reviewed and acted upon through existing procedures governing such requests. - Amends TCA Title 9 and Title 49. by *Brooks H. (*SB975 by *McNally, *Gresham)

Rep. H. Brooks moved that House Bill No. 1089 be reset for the Regular Calendar on April 24, 2014, which motion prevailed.

***House Bill No. 610** -- Wine & Wineries - As introduced, allows cities and counties to hold a referendum to authorize selling wine at retail food stores; creates permit to sell wine at retail food stores. - Amends TCA Title 2 and Title 57. by *Lundberg, *Casada, *Shepard, *Stewart, *Durham, *Sargent, *Haynes, *Harwell, *Eldridge. (SB837 by *Ketron, *Bowling, *Henry)

On motion, House Bill No. 610 was made to conform with **Senate Bill No. 837**; the Senate Bill was substituted for the House Bill.

Rep. Lundberg moved that Senate Bill No. 837 be passed on third and final consideration.

Rep. M. Hill moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND Senate Bill No. 837 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, is amended by adding the following as a new appropriately, designated section in a new part 8:

57-3-801.

(a)

(1) This part shall be effective in any jurisdiction that authorizes the sale of wine in retail food stores in a referendum in the manner prescribed by § 57-3-106; provided, however, that a jurisdiction must have held and passed a referendum authorizing retail package stores or held and passed a referendum authorizing the sale of alcoholic beverages for consumption on the premises prior to holding a referendum authorized under this section.

(2)

If the county election commission receives the necessary petition requesting the referendum not less than forty-five (45) days before the date on which an election is scheduled to be held, except for referenda scheduled to be held with the regular November general election which shall be held pursuant to § 2-3-204, the county election commission shall include the referendum question contained in subsection (b) on the ballot.

(b) At any such election, the question submitted to the voters shall be in the following form:

For legal sale of wine at retail food stores in _____
(here insert name of political subdivision).

Against legal sale of wine at retail food stores in _____
(here insert name of political subdivision).

(c) A referendum described in this section may be held at any election prescribed in § 57-3-106(c)(1); provided, however, no such referendum may be held prior to the regular November election in 2014.

57-3-802.

For purposes of this part:

(1) "Retail food store" means an establishment that is open to the public that derives at least twenty percent (20%) of its sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in § 67-6-228 (a) and has retail floor space of at least two thousand square feet (2,000 sq. ft.); and

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine. "Wine" does not mean alcohol derived from wine that has had substantial changes to the wine due to the addition of flavorings and additives.

57-3-803.

(a) Notwithstanding any other law to the contrary, an additional class of licenses allowing the sale of wine at retail food stores is created. These licenses shall be known as "retail food store wine licenses" and shall be issued by the alcoholic beverage commission; provided, that licenses shall only be issued to a retail food store located in a county or municipality that has authorized the sale of wine at retail food stores by local option election pursuant to § 57-3-801 and has

2802

full time law enforcement through a police or sheriff's department. The commission shall begin issuing the retail food store wine licenses on July 1, 2016, and prior to that date no retail food store may sell wine; however, the commission shall accept applications from retail food stores in jurisdictions that have authorized the sale of wine at retail foods stores and begin processing such applications prior to that date. The retail food store wine license shall permit the licensee to receive, store, possess and sell wine at retail for consumption off the premises at the licensed retail food store subject to the restrictions in this part 8.

(b)

(1) Any person, partnership, limited liability company or corporation desiring to sell wine to patrons or customers within the premises of a retail food store, in sealed packages only, and not for consumption on the premises shall make application to the commission for a retail food store wine license, which application shall be in writing and verified, on forms herein authorized to be prescribed and furnished; and the commission may, subject to the restrictions of this part 8, issue such retailer's license. A retail food store may enter into a franchise or management agreement with a person or entity to make wine sales at the premises of the retail food store. If the premises with respect to which the license is sought is owned by a person, partnership, limited liability company or corporation not the applicant, the application shall include the name and address of the owner. If the ownership of the premises should change after a license is granted, the licensee shall, within ten (10) days after becoming aware of such change in ownership, notify the commission in writing of the name and address of the new owner.

(2)

(A) Any individual applicant applying for a retail food store wine license must be twenty-one (21) years of age or older and must not have been convicted of a felony subject to § 57-3-210(c).

(B) The commission may issue a retail food store wine license to a person, partnership, limited liability company or corporation that is registered to do business in the state of Tennessee regardless of the residence of the ownership of such entity. No holder of a retail food store wine license, nor any person or entity having any interest in such license greater than ten percent (10%) shall have any interest as partner or otherwise, either direct or indirect, in a business licensed to engage in the sale or distribution of alcoholic beverages, including wine and beer licensed under §§ 57-3-202, 57-3-203, 57-3-204, 57-3-207, 57-3-217 or part 6 of this chapter. Nothing shall prohibit the holder of a retail food store wine license from having more than one (1) retail food store wine license. Nothing in this subdivision shall be construed as prohibiting a retail food store which owns its own premises from either holding a retail food store wine license or

from entering into a franchise or management agreement as provided in subdivision (b)(1).

(c) Any wine sold by the holder of a retail food store wine license shall not exceed an alcoholic content of eighteen percent (18%) by volume.

(d) Nothing in this part 8 is intended or shall be construed to modify the provisions of title 57 that provide for the separation and independence of the classes of licenses available to manufacturers, wholesalers or retailers of alcoholic beverages or beer in this state.

57-3-804.

Each applicant for a retail food store wine license shall pay to the commission a one-time, nonrefundable fee in the amount of four hundred dollars (\$400) when the application is submitted for review. A retail food store wine license under this section shall not be issued until the applicant shall have paid to the commission the annual license fee of two thousand dollars (\$2,000).

57-3-805.

The premises of a retail food store wine license may be located in a municipality or the unincorporated areas of a county; provided, that such county or municipality has approved sales of wine by retail food stores by local option election pursuant to § 57-3-801.

57-3-806.

(a) As a condition precedent to the issuance of a license under § 57-3-803, every applicant for a license under that section shall submit with the application to the commission a certificate signed by the county executive or chair of the county commission in which the licensed premises are to be located if outside the corporate limits of a municipality or, if within a municipality, from the mayor or a majority of the commission, city council, or legislative body of the municipality, by whatsoever name designated, or if the municipality has no mayor, from the highest executive of the municipality. The issuance of a certificate shall not be conditioned on the residency of the applicant, including, but not limited to, requiring the applicant to live within the county or municipality, or additional conditions not required by this section.

(b) The certificate must state:

(1) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

(2) That the applicant or applicants have secured a location for the business which complies with all zoning laws adopted by the local jurisdiction, as to the location of the business.

(c) Municipalities and counties are not authorized to limit the number of retail food store wine licenses issued within their jurisdictions.

(d)

(1) In order to renew a retail food store wine license, the licensee must maintain a minimum of twenty percent (20%) of the licensee's sales taxable sales from the retail sale of food and food ingredients for human consumption taxed at the rate provided in § 67-6-228(a), such percentage to be calculated on an annual basis. The licensee shall keep sales and purchase records through accounting methods that are customary or reasonable in the retail food store business.

(2) A retail food store wine licensee who fails to comply with subdivision (d)(1) in achieving the minimum required sales or in failing to keep adequate records shall have one (1) year to come into compliance. During this one (1) year period, the licensee shall work with the commission in creating a plan that would bring the licensee into compliance with this subsection (d).

(3) Failure to comply after the one (1) year period shall result in the retail food store wine license being suspended or revoked by the commission.

(4) In order to determine compliance with subdivision (d)(1), each retail licensee shall submit sales information to the commission in such form as the commission deems appropriate at the time the licensee applies for a license or upon renewal of such license. Each licensee shall provide the licensee's sales tax registration number to the commission. The commission is authorized to verify sales information if the commission deems it necessary with the department of revenue.

(e) Before July 1, 2017, no retail food store wine license shall be issued to an applicant for a location that is within five hundred feet (500 ft.) of an establishment holding a license pursuant to § 57-3-204 unless the commission receives written permission from such licensee. The distance shall be measured from building to building using the outside wall of the confines of the retail food store to the outside wall of the confines of the establishment holding a license pursuant to § 57-3-204. If an establishment holding a license pursuant to § 57-3-204 does not give written permission as described in this subsection (e) then that establishment shall not sell additional items as provided in § 57-3-404(e) until the retail food store is allowed to sell wine. If the distance is in dispute, then the commission shall measure and make a final determination of the distance for purposes of this subsection (e). This subsection (e) shall not be effective on or after July 1, 2017.

(f) No retail food store wine license shall be issued to a retail food store located within a shopping center or other development unless documentation is provided to the commission that the owner of such shopping center or development has imposed no restrictions on the sale of wine or other alcoholic products at the shopping center or development and that it does not impose any restrictions or limitations on the business practices related to the sale or distribution of alcoholic beverages upon any entity that is located within the same shopping center or other development as the proposed location of the retail food store wine license holder.

(g) An applicant may seek review of the denial of a certificate by instituting an action in the chancery court having jurisdiction over the municipality or county within sixty (60) days of the denial.

(h) A failure on the part of the issuing authority to grant or deny the certificate within sixty (60) days of the written application for such shall be deemed a granting of the certificate.

(i) The requirement imposed by this section to submit a certificate shall not be applicable to any applicant if:

(1) The authority of the county or municipality charged with the responsibility to issue the certificate required herein shall have failed to grant or deny the certificate within sixty (60) days after written application for such certificate is filed; or

(2) The applicant submits a final order of a court holding that the denial of the required certificate was unreasonable, as established by subsection (g).

57-3-807.

Laws applicable to the issuance, renewal, suspension, and termination of retailer's licenses issued pursuant to part 2 of this chapter and the regulation of and operation by such license holders shall apply in the same manner to retail food store wine licenses and license holders unless this part 8 expressly states otherwise.

57-3-808.

(a) A retail food store wine license holder engaging in the business regulated under this part 8, or any employee thereof, shall not make or permit to be made any sales to minors. Prior to making a sale of wine for off-premise consumption, the adult consumer must present to the license holder or any employee of the license holder a valid, government-issued document, such as a driver's license or other form of identification deemed acceptable to the license holder that includes the photograph and birth date of the adult consumer attempting to make a wine purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the license holder. The license holder or employee shall make a

determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of wine for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction.

(b) A violation of subsection (a) is a Class A misdemeanor.

57-3-809.

No retail food store wine licensee shall sell any alcoholic beverages to any person who is visibly intoxicated, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is visibly intoxicated.

57-3-810.

(a) The restrictions in § 57-3-404(e) and (f), 57-3-210 (g) and (h) and 57-3-204(b) shall not apply to retail food store wine licenses issued pursuant to this part 8.

(b) A retail food store licensed to sell wine under this part 8 shall not be limited to operating one (1) licensed retail food store business in this state; provided, however, that no retail food store wine licensee shall be permitted to combine its purchasing with any other retail food store wine licensee or retailer licensed under § 57-3-204.

57-3-811.

A retail food store licensed to sell wine under this part 8 shall only sell, or give away, wine during the same hours a licensed retailer sells or gives away wine pursuant to § 57-3-406(e) and (h).

57-3-812.

(a) A retail food store licensed to sell wine under this part 8 shall not store any wine off of the licensed premises.

(b) All deliveries of wine to a retail food store must be made by a licensed wholesaler through a common carrier, a contract carrier or on vehicles owned by the wholesaler. The deliveries shall only be made to the business address of the retail food store.

(c) All purchases of wine from a licensed wholesaler by a retail food store must be conducted by designated managers on premises at each retail food store location where delivery will be made. A retail food store may have more than one (1) designated manager per location.

(d) A wholesaler shall not take orders for wine from any retail food store employee other than a designated manager.

57-3-813.

No wholesaler shall sell any product to a retail food store wine licensee on credit and payment for all sales to such licensee by a wholesaler shall be effected upon delivery of the product.

57-3-814.

No holder of a retail food store wine license shall sell wine in connection with any business involved in the wholesale sale of wine or alcoholic beverages within the state of Tennessee.

57-3-815.

No wholesaler licensed under § 57-3-203 and no manufacturer, winery, nonresident seller's permit holder or any employee, agent, representative or salesperson employed by or representing any such wholesaler, manufacturer, winery or nonresident seller's permit holder shall provide any services to or for the benefit of a retail food store wine licensee including, but not limited to, services involving shelving, dressing, displaying, or setting inventory owned or purchased by the retail food store licensee. Nothing in this section shall prevent a wholesaler licensed under § 57-3-203 from unloading wine at a retail food store wine license location at the location's customary loading dock. A wholesaler may unload wine at a retail food store wine license location at any time that location is open to the public.

57-3-816.

(a) Any retail food store that is licensed to sell wine must have a permitted manager as prescribed in § 57-3-221 and that manager must work on the premises of the licensed retail food store. A retail food store may have more than one (1) manager per license.

(b) All employees of a retail food store that is licensed to sell wine and is involved in selling the wine must obtain certification pursuant to the responsible vendor training program for wine in § 57-3-818.

57-3-817.

(a) No retail food store shall conduct tastings of wine on the premises of the retail food store.

(b) A retail food store that has a license pursuant to this part 8 may also hold a license to sell alcoholic beverages for consumption on premises pursuant to title 57, chapter 4, provided that:

(1) The premises of the on-premise licensee shall be separate and distinct from the premises of the retail food store; and

(2) The business of the on-premise licensee shall be operated separately and distinctly from the operation of the business of the retail food store wine licensee.

57-3-818.

(a) The commission shall create a responsible vendor training program for retail food store wine licensees and retailers licensed pursuant to § 57-3-204 similar to the responsible vendor training program established in chapter 5, part 6 of this title.

(b) Except as provided in subsection (d), each retail food store wine licensee and retailer licensed in this state shall participate in the responsible vendor training program created under this section as a condition to having and maintaining such license.

(c) Each retail food store wine licensee and retailer shall pay an annual fee based on the number of certified clerks existing at the time the licensee applies to the commission for certification under the responsible vendor training program. The fee shall be as follows:

- (1) 0-15 certified clerks--\$150;
- (2) 16-30 certified clerks--\$200;
- (3) 31-45 certified clerks--\$250;
- (4) 46-60 certified clerks--\$300;
- (5) 61-100 certified clerks--\$350;
- (6) 101-150 certified clerks--\$400;
- (7) 151-200 certified clerks--\$450; and
- (8) \$50 for each additional 50 certified clerks over 200.

(d) The commission shall not require any licensee to participate or pay fees for both the responsible vendor training program created in this section and the program established in chapter 5, part 6 of this title. Participation in either program shall be deemed sufficient compliance.

(e) This section shall not apply to employees of a retailer licensed under § 57-3-204 until July 1, 2016. Any employee of a retailer who has a valid permit under § 57-3-204(c) on July 1, 2016 shall not be required to be certified pursuant to this section until that permit expires.

SECTION 2. Tennessee Code Annotated, Section 57-3-404(b), is amended by deleting the language “a licensed retailer,” and by substituting instead “a licensed retailer or retail food store licensed to sell wine pursuant to part 8 of this chapter”.

SECTION 3. Tennessee Code Annotated, Section 57-3-304(b), is amended by deleting the language “a licensed retailer,” and by substituting instead “a licensed retailer or retail food store licensed to sell wine pursuant to part 8 of this chapter”.

SECTION 4. Tennessee Code Annotated, Title 57, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

57-1-112.

As used in §§ 57-1-110, 57-3-406(b) and (g) and 57-3-204(d), “licensed retailer”, “retailer” or “retail licensee” shall be construed to include and apply to retail food stores which have been issued a retail food store wine license.

SECTION 5. Tennessee Code Annotated, Section 57-3-201, is amended by adding the following as a new subdivision thereto:

(9) Wine at retail food store license;

SECTION 6. Tennessee Code Annotated, Section 57-3-101(a), is amended by adding the following as a new, appropriately designated subdivision thereto:

(_) “Retail food store wine license” means a license for the sale of wine at retail in a retail food store as defined in part 8;

SECTION 7. Tennessee Code Annotated, Section 57-3-501(a)(1), is amended by deleting the language “located within such municipality” substituting instead the language “or upon retail food store wine licensees located within such municipality”.

SECTION 8. Tennessee Code Annotated, Section 57-3-406, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A retailer or any employee thereof shall not make or permit to be made any sales of alcoholic beverages or beer to minors. Prior to making a sale of alcoholic beverages for off-premise consumption, the adult consumer must present to the retailer or any employee of the retailer a valid, government-issued document, such as a driver’s license or other form of identification deemed acceptable to the retailer that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the retailer. The retailer or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a

minor, no sale of alcoholic beverages for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction.

(2) A violation of subdivision (d)(1) is a Class A misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 57-3-406, is amended by adding the following as a new subsection thereto:

(i) No retail food store shall keep, or permit to be kept, upon the licensed premises any wine in any unsealed bottles or other unsealed containers except such open bottles and containers of damaged and unmarketable product retained by the retail food store for purpose of return to a wholesaler. This subsection (i) shall not apply to the premises within a retail food store that has a license under title 57, chapter 4.

SECTION 10. Tennessee Code Annotated, Section 57-3-404, is amended by deleting subsection (e) and substituting instead the following:

(e)

(1) No retail licensee shall operate its business involving the sale of wine, beer or other alcoholic beverages in connection with the wholesale distribution of wine, beer or other alcoholic beverage nor shall such licensee sell its wine, beer or other alcoholic beverage for purposes of resale.

(2) Notwithstanding subsection (a), beginning July 1, 2014 a retail licensee holding a license issued under § 57-3-204 shall be permitted to sell at retail beer and other malt beverages, subject to the restriction in § 57-3-806(e). No permit or license other than the license issued pursuant to § 57-3-204 shall be required for the licensed retailer to engage in such sales of beer and other malt beverages and the issuer of that license has the authority to enforce any laws related to such sales.

(3) A retail licensee shall be permitted to cash a check or other negotiable instrument for a fee when such service is made available to a person over twenty-one (21) years of age. No postdated check shall be cashed by a licensee under this section.

(4) Beginning July 1, 2014, a retail licensee shall also be permitted to sell at retail items related to or incidental to the use, consumption, dispensing or storage of alcoholic beverages, together with merchandise and supplies related to special events or parties, subject to the restriction in § 57-3-806(e). Such items may include but are not limited to:

(A) Newspapers, magazines, publications, videos and other media related to alcoholic beverages or food;

(B) Utensils and supplies related or incidental to the use, consumption, dispensing or storage of alcoholic beverages, including, without limitation, corkscrews, beverage strainers, pourers, flasks, jiggers, stirrers, wine racks, wine refrigerators, wine cellars, decanters, carafes, glassware, ice crushers, bottle openers, can openers, and devices to maximize oxidation in uncorked wine bottles and other items used in connection with the consumption, storage or dispensing of alcoholic beverages;

(C) Gift cards, packages and baskets that include alcoholic beverages and non-alcoholic items;

(D) Nonalcoholic beverages;

(E) Kegs and growlers, whether empty or filled with beer, wine or alcoholic beverages, on the licensed premises;

(F) Concentrates and ingredients used in the preparation of mixed alcoholic beverages;

(G) Beer and wine-making kits;

(H) Products and supplies related to beer and wine-making;

(I) Lemons, limes, cherries, olives and other food items used in the preparation or garnishment of alcoholic beverages or mixed alcoholic beverages;

(J) Peanuts, pretzels, chips, cheese, crackers, appetizers and other snack foods;

(K) Beverage coolers, ice chests and ice in any form;

(L) Party supplies, party decorations, gift bags, greeting cards and other items for parties and special events;

(M) Articles of clothing and accessories imprinted with advertising, logos, slogans, trademarks or messages related to alcoholic beverages;

(N) Combined packages containing multiple alcoholic beverages;

(O) Cigarettes, cigars and lighters and other smoking or tobacco related products; and

(P) Lottery tickets if the retailer's application is approved by the Tennessee education lottery corporation as provided in § 4-51-115(e).

(5) A retail licensee may sell nonalcoholic products to persons under twenty-one (21) years of age including gift cards.

SECTION 11. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following as a new section thereto:

57-3-221.

(a) There is created a manager's permit to be issued by the commission to any individual who will be in actual control of the alcohol, wine or beer operations of a retailer licensed under § 57-3-204, winery involved in retail sales, or a retail food store wine licensee.

(b) An individual seeking a manager's permit shall make application for such permit by completing an application form in the manner prescribed by the commission. The individual must demonstrate that the individual meets the following requirements:

(1) Has not been convicted of any crime involving the sale or distribution of alcohol over the previous eight (8) years;

(2) Has not been convicted of any felony within the previous five (5) years;

(3) Is at least eighteen (18) years of age;

(4) Has not had an employee or server permit or any similar type permit issued by the state, any local jurisdiction, or any foreign jurisdiction revoked by any issuing authority within the previous three (3) years;

(5) Does not hold any ownership interest in any licensee or permittee licensed pursuant to § 57-3-203, nor shall the individual have had any ownership interest in any licensee licensed under title 57 which has had its license revoked by the issuing authority within the previous eight (8) years; and

(6) Has received training in alcohol awareness and the rules and regulations of the commission by an entity approved by the commission pursuant to § 57-3-705.

(c) The manager's permit shall be valid for a period of five (5) years. The commission may impose a fee for the processing and cost of issuance of the manager's permit and for renewal of such permit. The fee shall be adequate for the commission to undertake an appropriate verification of the information provided by the applicant. This fee, which shall not exceed two hundred dollars (\$200), shall be determined by the commission.

(d) Manager's permits shall be required for the appropriate individuals at retailers licensed under § 57-3-204, retail food store wine licensees and for wineries beginning July 1, 2016.

SECTION 12. Tennessee Code Annotated, Section 57-3-406, is amended by adding the following as a new subsection thereto:

(j)

(1) Notwithstanding any provision of title 57 to the contrary, retailers licensed under § 57-3-204 are authorized, for a fee or without a fee, to provide, within the state, consulting services related to the products, merchandise and supplies which the retailer is authorized to sell under § 57-3-404(e) and alcoholic beverages, and supply, deliver and install products authorized to be sold by the retailer to locations outside of the licensed premises in connection with special events, parties, alcoholic beverage tastings, educational classes and the establishment of private collections or wine cellars.

(2) Any licensee making a delivery of alcohol, wine or beer is subject to §§ 57-3-406(c) and 57-3-406(d). A record of all deliveries shall be maintained in writing and must contain all information concerning the recipient, products delivered, the time of delivery and place of delivery.

SECTION 13. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following as a new section thereto:

57-3-222.

(a) In order to renew a retail license, the licensee must maintain a minimum of sixty-five percent (65%) of the licensee's total sales from alcoholic beverages, including wine and beer, such percentage to be calculated on an annual basis. The licensee shall keep sales and purchase records through accounting methods that are customary or reasonable in the retail business.

(b) A retail licensee who fails to comply with subsection (a) in achieving the minimum required sales or in failing to keep adequate records shall have one (1) year to come into compliance. During this one (1) year period, the licensee shall work with the commission in creating a plan that would bring the licensee into compliance with this section.

(c) Failure to comply after the one (1) year period shall result in the retail license being suspended or revoked by the commission.

(d) In order to determine compliance with subsection (a), each retail licensee shall submit sales information to the commission in such form as the commission deems appropriate at the time the licensee applies for renewal. The commission is authorized to verify sales information if the commission deems it necessary with the department of revenue.

SECTION 14. Tennessee Code Annotated, Section 57-3-404(g), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivisions thereto:

(2) The ten-day period begins from delivery and receipt by the retail licensee. The ten-day period cannot include any day that the wholesaler is not open to make deliveries, receive payment or receive mail.

(3) Any suspension of deliveries is a credit decision to be made by a wholesaler and a retail licensee.

(4) A wholesaler shall be permitted to communicate with another wholesaler about the account status of any retail licensee.

(5) Wholesalers shall advise the commission of any failure of a retailer to comply with this subsection (g).

(6) The commission shall be permitted to post the account status of a retail licensee with any wholesaler on its web site.

(7) This subsection (g) shall not apply to non-alcoholic products.

SECTION 15. Tennessee Code Annotated, Section 57-3-204(a), is amended by adding the language “including beer and malt beverages,” after the language “alcoholic spirituous beverages” wherever it appears in that subsection.

SECTION 16. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following as a new, appropriately designated section thereto:

57-3-223.

Notwithstanding any other provision in title 57 or any rule to the contrary, an individual or corporation may hold a retail license issued pursuant to § 57-3-204 and may also hold a license to sell alcoholic beverages for consumption on premises pursuant to title 57, chapter 4; provided, however, that each license must be operated as a separate and distinct business and shall not be at the same location.

SECTION 17. Tennessee Code Annotated, Section 57-3-404(f), is amended by deleting the language “shall have one (1) main entrance” and substituting instead the language “may have two (2) main entrances”.

SECTION 18. Tennessee Code Annotated, Section 57-3-406(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) No retailer shall sell any alcoholic beverages or beer to any person who is visibly intoxicated, nor shall any retailer selling alcoholic beverages or beer sell to any person accompanied by a person who is visibly intoxicated.

SECTION 19. Tennessee Code Annotated, Section 57-3-404, is amended by adding the following as a new subsection:

(i) No wholesaler may provide a discount or other reduction in price to a retailer or retail food store wine licensee by virtue of the sales made to any other licensee. Any discount or pricing made available to a retailer or retail food store wine licensee shall be made available on the same terms and conditions to other retailers and food store wine licensees within the same jurisdiction. Any quantity discounts provided by wholesalers to any retailer licensed under § 57-3-803 cannot be cumulative in nature, but can be based only upon products delivered contemporaneously. No retail food store wine licensee may receive any remuneration, by whatever name, at a corporate office located inside or outside the state of Tennessee that affects the profitability of wine or beer sales in the state of Tennessee, that is not made available to all retail licensees or other retail food stores licensed to sell wine or beer in the state of Tennessee.

SECTION 20. Tennessee Code Annotated, Section 57-3-103(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) Nothing in this chapter shall affect chapter 2 of this title.

SECTION 21. Tennessee Code Annotated, Section 57-3-203(b), is amended by designating the existing language as subdivision (b)(1) and adding the following language as subdivision (b)(2):

(2) Notwithstanding any law to the contrary, it shall be lawful for any qualified applicant, including a corporation meeting the requirements of subsection (f), to receive and operate under both an alcoholic beverage wholesaler's license issued pursuant to this part, and a beer wholesaler's license issued pursuant to § 57-5-102, upon satisfying all federal, state and local registration and permitting requirements applicable to both operations. Nothing in this title 57 is intended or shall be construed to prohibit a wholesaler licensed under this part or under title 57, chapter 5 from holding more than one (1) license or permit for the wholesale of alcoholic beverages or beer in this state.

SECTION 22. Tennessee Code Annotated, Section 57-3-203(d), is amended by designating the existing language as subdivision (d)(1) and adding the following as subdivision (d)(2):

(2) Where a wholesaler licensed under this part also maintains a beer wholesale operation as provided in § 57-3-203(b)(2), it shall be lawful for anyone holding a permit pursuant to this subsection (d) to carry out similar duties with respect to such beer wholesale operation, provided that the permit holder has also satisfied any legal requirements applicable to such function within a beer wholesale operation.

SECTION 23. Tennessee Code Annotated, Section 57-3-203(e), is amended by designating the existing language as subdivision (e)(1) and adding the following as subdivision (e)(2):

(2) Where a wholesaler licensed under this part also maintains a beer wholesale operation as provided in § 57-3-203(b)(2), it shall be lawful for anyone holding a permit pursuant to this subsection (e) to carry out similar duties with respect to such beer wholesale operation, provided that the permit holder has

also satisfied any legal requirements applicable to such function within a beer wholesale operation.

SECTION 24. Tennessee Code Annotated, Section 57-3-203(i), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) No license entitling the holder thereof to sell or deal in alcoholic spirituous beverages at wholesale shall be granted except in respect to premises situated within a county having a population in excess of one hundred twenty thousand (120,000), according to the 2010 federal census or any subsequent federal census.

SECTION 25. Tennessee Code Annotated, Section 57-3-403(a), is amended by adding the following as a new subdivision (3):

(3) An alcoholic beverages wholesale licensee who also carries on a beer wholesale operation as provided by § 57-3-203(b)(2) may lawfully transport alcoholic beverages and beer in the same vehicle, provided that all other legal requirements applicable to such transportation are satisfied.

SECTION 26. Tennessee Code Annotated, 57-3-404(d), is amended by deleting the last sentence of subdivision (2) and by adding the following as a new subdivision (3):

(3) A licensed alcoholic beverages wholesaler may lawfully engage in activities covered by title 57, chapter 5, as provided by § 57-3-203(b)(2), without regard to the amount of gross revenues produced by such operation. Such wholesaler may, at the wholesaler's discretion, use the same warehouse and other facilities, vehicles and employees in both operations, provided that all legal requirements applicable to such operations are satisfied with respect to each operation.

SECTION 27. Tennessee Code Annotated, Section 57-3-204(b) is amended by deleting the subsection in its entirety and substituting instead the following:

(b)

(1) Each applicant for a retail license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. A retailer's license under this section shall not be issued until the applicant shall have paid to the commission the annual license fee of eight hundred fifty dollars (\$850).

(2) No retail license under this section may be issued to any individual:

(A) Who has not been a bona fide resident of the state of Tennessee during the two (2) year period immediately preceding the date upon which application is made to the commission or, with respect to renewal of any license issued pursuant to this § 57-3-204, who has not at

any time been a resident of the state of Tennessee for at least ten (10) consecutive years;

(B) Who has been convicted of a felony under the laws of the state of Tennessee, any other state or the United States;

(C) Who has had a license related to the manufacture, sale or distribution of any form of alcoholic beverages revoked for cause;

(D) Who is not twenty-one (21) years of age or older;

(E) Who has an interest, whether direct or indirect, in a manufacturer, distiller, rectifier, liquor wholesaler, winery, distributor, retail food store or farm winery selling alcoholic beverages that is licensed in the state of Tennessee, except that the spouse of an applicant for a retail license may own and hold a farm wine permit if the spouse does not hold a retailer's license issued under this section;

(F) Who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the commission;

(G) Who intends to carry on the business authorized by the license as the agent or on behalf of another;

(H) Who at the time of the time of application for renewal of any license issued under this section would not be eligible for the license upon a first application;

(I) Who is the holder of a valid existing license issued for the sale of wine in a retail food store under § 57-3-803, and amendments thereto;

(J) Who does not own the premises for which a license is sought, or does not, at the time of application, have a written and enforceable lease thereon;

(K) Whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subdivision (b)(2)(K) shall not apply in determining eligibility for a renewal license; and

(L) Whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this section.

(3) The commission may, in its discretion, issue such a retail license to a corporation; provided, that no such license shall be issued to any corporation unless such corporation meets the following requirements:

(A) No retail license shall be issued to any corporation if any officer, director or stockholder owning any capital stock in the corporation, would be ineligible to receive a retailer's license for any reason specified in subdivision (b)(2) above, if application for such retail license had been made by the officer, director or stockholder in their individual capacity;

(B) All of its capital stock must be owned by individuals who are residents of the state of Tennessee and either have been residents of the state for the two (2) years immediately preceding the date application is made to the commission or, with respect to renewal of any license issued pursuant to this § 57-3-204, who has at any time been a resident of the state of Tennessee for at least ten (10) consecutive years;

(C) No person owning stock in such corporation shall have any interest as partner or otherwise, either direct or indirect, in any business licensed to engage in the distribution of liquor, spirits, wine or high alcohol content beer in Tennessee; and

(D) No stock of any corporation licensed under this section shall be transferred to any person who is not a resident of the state of Tennessee and either has not been a resident of the state for at least two (2) years next preceding or who at any time has not been a resident of Tennessee for at least ten (10) consecutive years.

(4) It is the intent of the general assembly to distinguish between licenses authorized generally under title 57 and those specifically authorized under this Section 57-3-204. Because licenses granted under this section include the retail sale of liquor, spirits and high alcohol content beer which contain a higher alcohol content than those contained in wine or beer, as defined in Section 57-5-101(b), it is in the interest of the state of Tennessee to maintain a higher degree of oversight, control and accountability for individuals involved in the ownership, management and control of licensed retail premises. For these reasons, it is in the best interest of the health, safety and welfare of the state of Tennessee to require all licensees to be residents of the state of Tennessee as provided herein and the commission is authorized and instructed to prescribe such inspection, reporting and educational programs as it shall deem necessary or appropriate to insure that the laws, rules and regulations governing such licensees are observed.

SECTION 28. Tennessee Code Annotated, Section 57-3-406(a) is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) Except for retailers licensed under § 57-3-204, no person, corporation or other entity shall, directly or indirectly, operate any licensed retail establishment selling alcoholic spirituous beverages, not including wine, for off premises consumption in this state. "Indirectly" means any kind of interest in such a retail business by way of stock ownership, loan, partner's interest or otherwise. A landlord shall be deemed to have an indirect interest in such a retail

business when the lease agreement is based upon a percentage of profits or any other factor based upon sales of alcoholic beverages by the tenant as distinguished from being simply an interest in land for a period of time at a definite rate.

(2) Except as provided in this subsection (a), nothing shall prohibit the holder of a retail license from having more than one (1) retail license.

(3) In any municipality or county in which the issuance of two (2) or more retail licenses have been authorized under § 57-3-208(c), no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county.

(4) For five (5) years beginning January 1, 2014, no retail license shall be issued to any applicant for a new location that is within one thousand five hundred feet (1,500') of an existing operating establishment holding a license issued pursuant to § 57-3-204 as of the effective date of this bill (an "existing licensed premises") if the applicant for such new retail license already holds one (1) or more retail licenses issued under § 57-3-204, unless the commission receives the written consent from each retail licensee owning an existing licensed premises within one thousand five hundred feet (1,500') of such new location. Notwithstanding any provision of law to the contrary, the holder of one (1) or more retail licenses issued under § 57-3-204 may purchase the business or assets of an existing licensed premises and obtain a retail license to operate such existing licensed premises, as the same may be expanded or modified, from time to time. Nothing in this subdivision (a)(4) shall be deemed to prohibit a retailer licensed under § 57-3-204 from obtaining a new or replacement license in connection with the relocation of an existing licensed premises, as long as the new location is within the jurisdiction of the municipality or county issuing the certificate required under § 57-3-208 for such existing licensed premises.

SECTION 29. Tennessee Code Annotated, Section 57-3-404(h)(2), is amended by adding the following as a new subdivision thereto:

(F) A supplier may provide, through licensed wholesalers, products for tasting purposes by a retail licensee.

SECTION 30. Tennessee Code Annotated, Title 57, Chapter 3, is amended by adding the following sections as a new part thereto:

57-3-901.

This part shall be known and may be cited as the "Unfair Wine Sales Law."

57-3-902.

As used in this part, unless the context otherwise requires:

(1) "Basic cost of wine" means the invoice cost of wine to the retailer in the quantity last purchased from the wholesaler at prices generally available in the marketplace, absent any cash or other discounts, incentives and/or concessions of any kind, whether such discounts, incentives or concessions are offered within or outside of the state of Tennessee, to which shall be added the full face value of any taxes, freight or delivery fees which may be required by any tax law of this state imposed upon wine supplied to retailers now in effect or hereafter enacted, and any other taxes or fees imposed by title 57, if not already included by the wholesaler in this price;

(2) "Commission" means the alcoholic beverage commission;

(3) "Cost of doing business by the retailer" is twenty percent (20%) of the basic cost of wine to the retailer;

(4) "Cost to the retailer" means the "basic cost of wine" to the retailer plus the "cost of doing business by the retailer";

(5) "Prices generally available in the marketplace" shall mean the price of wine based upon a purchase from a wholesaler on terms and conditions:

(A) Typically available to non-food store retailers in the trade area in which the retailer is located; and

(B) In accordance with the requirements set forth in §§ 57-3-811, 57-3-812 and 57-3-813;

(7) "Retailer" shall mean the holder of a retail food store wine license issued under § 57-3-803 or the holder of a retailer license under § 57-3-204;

(8) "Sell at retail," "sales at retail" or "retail sales" means and includes any transfer of title to tangible personal property for a valuable consideration made in the ordinary course of trade or usual prosecution of the seller's business, to the purchaser for consumption or use; and

(9) "Wholesaler" has the same meaning as provided in § 57-3-101(a)(20).

57-3-903.

(a) It is a Class C misdemeanor for any retailer to advertise, offer to sell, or sell at retail, wine at less than cost to the retailer.

(b) The advertising, sale or offer to sell of wine by any retailer at less than cost to the retailer shall be prima facie evidence of both a violation of the "Unfair

Wine Sales by Retail Food Stores Law”, compiled in this part, and of intent to injure competitors or destroy substantially or lessen competition.

57-3-904.

Any individual who, as a director, officer, partner, member, or agent of any person violating the provisions of this part, assists or aids, directly or indirectly, in such violation, equally with the person for whom such individual acts, commits a Class C misdemeanor.

57-3-905.

Any contract, express or implied, made by any person, firm, or corporation in violation of any of the provisions of this part is declared to be an illegal and void contract and no recovery thereon shall be had.

57-3-906.

(a)

(1) Any person or entity injured by any violation of this part, or any trade association which is representative of such a person or entity, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation.

(2) If, in such action, a violation of this part shall be established, the court shall enjoin and restrain or otherwise prohibit such violation and, in addition thereto, shall assess in favor of the plaintiff and against the defendant the costs of the suit.

(3) In such action, it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in the action, in addition to such injunctive relief and costs of suit, shall be entitled to recover from the defendant the amount of actual damages sustained by the plaintiff.

(b) In the event no injunctive relief is sought or required, any person injured by a violation of this part may maintain an action for damages alone in any court of general jurisdiction, and the measure of damages in such action shall be the same as prescribed in subsection (a).

57-3-907.

No retail food store as defined in § 57-3-802 shall sell, offer for sale or advertise the sale of:

(1) Two (2) or more items, at least one (1) of which items is wine, at a combined price; or

(2) Liquor, spirits or high alcohol content beer.

57-3-908.

(a) The commission shall administer and enforce the provisions of this part.

(b)

(1) For an initial violation or noncompliance with any provision of this part by a retailer, a penalty shall be imposed not to exceed one thousand dollars (\$1,000);

(2) For any second violation or noncompliance with any provision of this part by any retailer who has previously been found in violation pursuant to subdivision (b)(1), a penalty shall be imposed not to exceed two thousand five hundred dollars (\$2,500); and

(3) For any subsequent violation or violations or noncompliance with any provision of this part, by any retailer who has previously been found in violation of pursuant to subdivision (b)(2), a penalty shall be imposed not to exceed five thousand dollars (\$5,000).

(c) Any retailer who is assessed a civil penalty pursuant to this section, and who continues to engage in the unauthorized sale, distribution or handling of wine in this state, either directly or through any agent or third party acting on behalf of such retailer, shall be charged with an additional violation of this part.

(d) Any retailer who is adversely affected by a decision of the commission may petition the commission for a hearing which will be held in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

(e) In enforcing the provisions of this part, the commission shall consider the cost and effectiveness of administration and endeavor to administer this part in the most cost-efficient manner.

57-3-909.

The provisions of this part shall not apply to sales at retail made where wines are:

(1) Sold upon the complete final liquidation of a business;

(2) Advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court;

(3) Closeouts and case discounts; or

(4) Such other occasional discounts as defined by the commission.

SECTION 31. Tennessee Code Annotated, Section 57-3-405, is amended by deleting subsection (b) in its entirety.

SECTION 32. Tennessee Code Annotated, Section 57-3-204(c), is amended by adding the following language at the end of the subsection:

The provisions of this subsection (c) shall cease to be effective July 1, 2016, when employees of a retail licensee are required to be certified clerks pursuant to § 57-3-818.

SECTION 33. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 34. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect July 1, 2014, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lundberg moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. J. Carr moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 837 by deleting SECTION 30 of the bill and redesignating remaining sections accordingly.

Rep. Lundberg moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	60
Noes.....	22
Present and not voting.....	3

Representatives voting aye were: Akbari, Armstrong, Bailey, Brooks H, Camper, Carr D, Carter, Casada, Coley, Dean, Dennis, Durham, Eldridge, Farmer, Favors, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Hawk, Haynes, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Odom, Parkinson, Ragan, Rich, Roach, Rogers, Sargent, Sexton, Shepard, Spivey, Stewart, Swann, Tidwell, Todd, Travis, Watson, White D, White M, Williams K, Williams R, Womick, Madam Speaker Harwell -- 60

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting no were: Alexander, Calfee, Carr J, Cooper, Dunn, Fitzhugh, Hill M, Hill T, Holt, Matlock, Mitchell, Pitts, Pody, Ramsey, Sanderson, Shaw, Sparks, Towns, Turner J, Van Huss, Windle, Wirgau -- 22

Representatives present and not voting were: DeBerry J, Doss, Powers -- 3

Rep. J. Carr requested that Amendment No. 5 be moved to the Heel of the Amendments, which motion prevailed.

Rep. Miller requested that Amendment No. 6 be moved to the Heel of the Amendments, which motion prevailed.

Rep. Lundberg moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 837 By deleting from amendatory § 57-3-802(1) in Section 1 the language “two thousand square feet (2,000 sq. ft.)” and by substituting instead the language “one thousand two hundred square feet (1,200 sq. ft.)”.

AND FURTHER AMEND by deleting from amendatory § 57-3-804 in Section 1 the language “two thousand dollars (\$2,000)” and by substituting instead the language “one thousand two hundred fifty dollars (\$1,250)”.

AND FURTHER AMEND by deleting the effective date section and by substituting instead the following:

SECTION _____. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 30 of this act shall take effect July 1, 2016, the public welfare requiring it. All other sections of this act shall take effect July 1, 2014, the public welfare requiring it.

Rep. Lundberg moved adoption of Amendment No. 7, which motion prevailed by the following vote:

Ayes	70
Noes.....	14
Present and not voting.....	7

Representatives voting aye were: Akbari, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Carter, Casada, Dean, Dennis, Durham, Eldridge, Faison, Farmer, Favors, Forgety, Gilmore, Goins, Halford, Hall, Harrison, Hawk, Haynes, Jernigan, Johnson C, Jones, Kane, Keisling, Lamberth, Littleton, Love, Lundberg, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Odom, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Spivey, Stewart, Swann, Tidwell, Todd, Travis, Turner J, Watson, Weaver, White D, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Coley, Cooper, Dunn, Hill M, Hill T, Holt, Lollar, Matlock, Moody, Towns, Van Huss, Williams K, Windle -- 14

Representatives present and not voting were: Butt, DeBerry J, Doss, Johnson G, Pody, Sparks, White M, -- 7

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “present not voting” to “aye” on Amendment No. 7 to **Senate Bill No. 837** and have this statement entered in the Journal: Rep(s). Alexander.

REGULAR CALENDAR, CONTINUED

Rep. Sexton moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 837 By deleting the amendatory language of Section 24 in its entirety and by substituting instead the following:

(1) No license entitling the holder thereof to sell or deal in alcoholic spirituous beverages at wholesale shall be granted except in respect to premises situated within either a county having a population of one hundred twenty thousand (120,000), according to the 2010 federal census or any subsequent federal census, or a county in which the voters of any municipality or other jurisdiction within that county have approved retail package sales or consumption of alcoholic beverages on premises by referendum as provided in this title.

Rep. Sexton moved adoption of Amendment No. 1 to 8 as follows:

Amendment No. 1 to 8

AMEND Senate Bill No. 837 By inserting the language “in excess” between the amendatory language “having a population” and “of one hundred twenty thousand”.

Rep. Sexton moved adoption of Amendment No. 1 to 8, which motion prevailed by the following vote:

Ayes	84
Noes.....	1
Present and not voting.....	7

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, Dennis, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Jernigan, Johnson C, Johnson G, Jones, Kane, Keisling, Lamberth, Littleton, Love, Lundberg, Marsh, Matheny, Matlock, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart,

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Swann, Tidwell, Travis, Turner M, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Womick -- 84

Representatives voting no were: Towns -- 1

Representatives present and not voting were: Butt, DeBerry J, Doss, McCormick, McDaniel, Pody, Todd -- 7

Rep. Sexton moved adoption of Amendment No. 8, as amended, which motion prevailed by the following vote:

Ayes	74
Noes.....	13
Present and not voting.....	4

Representatives voting aye were: Akbari, Alexander, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Carter, Casada, Cooper, Dean, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Hill M, Hill T, Jernigan, Johnson C, Jones, Kane, Keisling, Lamberth, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Mitchell, Moody, Odom, Parkinson, Pitts, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sexton, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Travis, Van Huss, Watson, Weaver, White D, White M, Williams R, Windle, Wirgau, Womick -- 74

Representatives voting no were: Armstrong, Coley, Dunn, Favors, Haynes, Holt, Johnson G, Lollar, Miller, Todd, Towns, Turner J, Williams K -- 13

Representatives present and not voting were: Butt, DeBerry J, McCormick, Pody -- 4

Rep. Fitzhugh moved adoption of Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 837 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 57-3-204, is amended by adding the following as a new subsection thereto:

(_) Notwithstanding any law to the contrary, any retailer licensed to sell wine under the provisions of this chapter 3, including any wine at retail food store licensee, may lawfully sell high alcohol content beer under the authority of and subject to the same regulations and fees as the license authorizing it to sell wine.

Rep. Lundberg moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes	55
Noes.....	32

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Present and not voting..... 4

Representatives voting aye were: Bailey, Brooks H, Brooks K, Calfee, Carr D, Carr J, Carter, Casada, Coley, Dean, Dennis, Doss, Durham, Eldridge, Evans, Farmer, Forgety, Goins, Halford, Hall, Harrison, Haynes, Johnson C, Jones, Lamberth, Littleton, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Odom, Parkinson, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sargent, Sexton, Shipley, Spivey, Stewart, Travis, Weaver, White D, White M, Williams K, Williams R, Womick, Madam Speaker Harwell -- 55

Representatives voting no were: Akbari, Alexander, Armstrong, Camper, Cooper, Favors, Fitzhugh, Gilmore, Hardaway, Hawk, Hill M, Hill T, Holt, Jernigan, Johnson G, Love, Miller, Mitchell, Pitts, Powell, Sanderson, Shaw, Shepard, Swann, Tidwell, Towns, Turner J, Turner M, Van Huss, Watson, Windle, Wirgau -- 32

Representatives present and not voting were: Butt, DeBerry J, Pody, Sparks -- 4

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on the tabling Motion on Amendment No. 9 to **Senate Bill No. 837** and have this statement entered in the Journal: Rep(s). Jones.

REGULAR CALENDAR, CONTINUED

Rep. Mitchell moved adoption of Amendment No. 10 as follows:

Amendment No. 10

AMEND Senate Bill No. 837 by deleting from § 57-3-803(a) in SECTION 1 the language “2016” and by substituting instead the language “2015”.

AND FURTHER AMEND by deleting from § 57-3-221(d) in SECTION 11 the language “2016” and by substituting instead the language “2015”.

Rep. Lundberg moved that Amendment No. 10 be tabled, which motion prevailed by the following vote:

Ayes	64
Noes.....	21
Present and not voting.....	3

Representatives voting aye were: Alexander, Armstrong, Bailey, Brooks H, Brooks K, Carr D, Carr J, Carter, Casada, Coley, Dennis, Doss, Durham, Eldridge, Evans, Farmer, Forgety, Goins, Halford, Hall, Harrison, Hawk, Haynes, Hill M, Johnson C, Keisling, Lamberth, Littleton, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Parkinson, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton,

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Shipley, Sparks, Spivey, Swann, Tidwell, Todd, Travis, Turner J, Van Huss, Watson, Weaver, White D, White M, Williams K, Williams R, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Calfee, Cooper, Dean, Favors, Fitzhugh, Gilmore, Hardaway, Hill T, Jernigan, Johnson G, Jones, Mitchell, Odom, Pitts, Powell, Shaw, Shepard, Stewart, Towns, Turner M, Windle -- 21

Representatives present and not voting were: Butt, DeBerry J, Pody, -- 3

Rep. Alexander moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Hawk requested that Amendment No. 12 be moved to the Heel of the Amendments, which motion prevailed.

Rep. Mitchell moved that Amendment No. 13 be withdrawn, which motion prevailed.

Rep. Mitchell moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. J. Carr moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Miller moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Hawk moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Matheny moved the previous question, which motion prevailed by the following vote:

Ayes	71
Noes.....	13

Representatives voting aye were: Alexander, Bailey, Brooks H, Butt, Calfee, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, Dennis, Doss, Durham, Eldridge, Evans, Farmer, Favors, Forgety, Gilmore, Goins, Halford, Hall, Harrison, Hawk, Haynes, Hill T, Holt, Jernigan, Johnson C, Jones, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Moody, Odom, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Shaw, Shepard, Shipley, Spivey, Swann, Tidwell, Todd, Travis, Van Huss, Watson, Weaver, White D, White M, Williams R, Womick -- 71

Representatives voting no were: Armstrong, DeBerry J, Fitzhugh, Floyd, Johnson G, Mitchell, Sparks, Towns, Turner J, Turner M, Williams K, Windle, Wirgau -- 13

Rep. Lundberg moved that **Senate Bill No. 837**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	71
Noes.....	15
Present and not voting.....	6

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, Dennis, Durham, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes,

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Hill M, Hill T, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, McCormick, Miller, Mitchell, Odom, Parkinson, Pitts, Powell, Ragan, Ramsey, Rogers, Sargent, Sexton, Shaw, Shepard, Shipley, Spivey, Stewart, Swann, Tidwell, Todd, Travis, Van Huss, Watson, Weaver, White D, White M, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 71

Representatives voting no were: Calfee, Doss, Floyd, Holt, Lollar, Matlock, McDaniel, Moody, Powers, Rich, Roach, Sparks, Towns, Williams K, Windle -- 15

Representatives present and not voting were: Butt, DeBerry J, Eldridge, Evans, Pody, Sanderson -- 6

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 837** and have this statement entered in the Journal: Rep(s). Wirgau.

REGULAR CALENDAR, CONTINUED

House Bill No. 1559 -- Judges and Chancellors - As introduced, requires votes by members of the judicial performance evaluation commission on any report that is required to be published and disclosed to be by roll call in a public meeting. - Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4, Part 2. by *Lundberg. (*SB1730 by *Stevens)

Rep. Lundberg moved that **House Bill No. 1559** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Todd, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

***House Bill No. 1732** -- Administrative Procedure (UAPA) - As introduced, standardizes period of time that agency must wait prior to adopting a rule without a public hearing. - Amends TCA Title 4, Chapter 5. by *Halford. (SB1831 by *Bowling)

2830

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Rep. Halford moved that **House Bill No. 1732** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 47** -- Alcoholic Beverages - As introduced, decreases, from two years to one year and from 10 years to five years, the residency requirements for the issuance of a retailer's license to sell alcoholic beverages; specifies, if the next of kin takes over a valid retail license in the event of death of the holder, the residency requirements do not apply. - Amends TCA Title 57. by *Haynes, *Lundberg, *Harwell. (SB289 by *Ketron)

BILL RE-REFERRED

Rep. Haynes moved that **House Bill No. 47** be re-referred to the Committee on Calendars and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1464 -- Contractors - As introduced, requires state board for licensing contractors to deny an application for a license to engage in contracting if the board finds the applicant's name to be identical with or similar to that of an existing licensed contractor; provision not applicable if the applicant's name has been trademarked. - Amends TCA Title 62, Chapter 6. by *Ramsey. (*SB1435 by *Overbey)

Rep. Ramsey requested that House Bill No. 1464 be reset for the Regular Calendar on April 24, 2014, which motion prevailed.

***House Bill No. 1692** -- Criminal Offenses - As introduced, broadens the list of victims of the offense of retaliation for past action to include employees of a court clerk; makes it unlawful to engage in such offense against such employees. - Amends TCA Title 39, Chapter 16, Part 5. by *Dean. (SB1803 by *Gardenhire)

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

On motion, House Bill No. 1692 was made to conform with **Senate Bill No. 1803**; the Senate Bill was substituted for the House Bill.

Rep. Dean moved that **Senate Bill No. 1803** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

House Bill No. 1477 -- Energy - As introduced, modifies the allowable entities in which corporations operating under the Energy Acquisition Corporations Act may invest. - Amends TCA Section 7-39-313. by *Johnson C, *Pitts, *Sargent, *McCormick, *Tidwell. (*SB1460 by *Green)

On motion, House Bill No. 1477 was made to conform with **Senate Bill No. 1460**; the Senate Bill was substituted for the House Bill.

Rep. C. Johnson moved that **Senate Bill No. 1460** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 1635 -- Sunset Laws - As introduced, terminates the employee misclassification advisory task force. - Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6, Part 9. by *Matheny, *Ragan. (*SB1539 by *Bell)

On motion, House Bill No. 1635 was made to conform with **Senate Bill No. 1539**; the Senate Bill was substituted for the House Bill.

Rep. Matheny moved that **Senate Bill No. 1539** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Rich, Roach, Rogers, Sanderson, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Madam Speaker Harwell -- 84

Representatives present and not voting were: Cooper -- 1

A motion to reconsider was tabled.

House Bill No. 1626 -- Sunset Laws - As introduced, terminates the pest control compact. - Amends TCA Title 4, Chapter 29, Part 2 and Title 43, Chapter 6, Part 3. by *Matheny, *Ragan. (*SB1550 by *Bell)

On motion, House Bill No. 1626 was made to conform with **Senate Bill No. 1550**; the Senate Bill was substituted for the House Bill.

Rep. Matheny moved that **Senate Bill No. 1550** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sexton, Shaw, Shepard, Shipley, Sparks,

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Spivey, Stewart, Swann, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Windle, Madam Speaker Harwell -- 86

A motion to reconsider was tabled.

House Bill No. 1577 -- Sunset Laws - As introduced, terminates the advisory council on child nutrition and wellness. - Amends TCA Title 4, Chapter 29, Part 2 and Title 68, Chapter 1, Part 23. by *Matheny, *Ragan. (*SB1523 by *Bell)

On motion, House Bill No. 1577 was made to conform with **Senate Bill No. 1523**; the Senate Bill was substituted for the House Bill.

Rep. Matheny moved that **Senate Bill No. 1523** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes..... 2

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Madam Speaker Harwell -- 86

Representatives voting no were: Cooper, Windle -- 2

A motion to reconsider was tabled.

House Bill No. 1005 -- Insurance Companies, Agents, Brokers, Policies - As introduced, makes various changes concerning coverage of sinkhole losses and subsequent structural repair. - Amends TCA Section 56-7-130. by *Kane, *Haynes, *Eldridge, *Matlock. (*SB880 by *Tracy)

Further consideration of House Bill No. 1005 previously considered on today's Calendar.

Rep. Haynes requested that House Bill No. 1005 be reset for the Regular Calendar on April 24, 2014, which motion prevailed.

***House Bill No. 1405** -- Firearms and Ammunition - As introduced, defines "motor vehicle" for purposes of the type of vehicle in which a handgun carry permit holder may transport and store a firearm or firearm ammunition in a parking lot. - Amends TCA Title 39, Chapter 17, Part 13. by *McCormick, *Rogers, *Moody, *Jernigan, *Butt, *Casada, *Tidwell, *Lamberth, *Sexton, *Bailey, *Goins, *Holt, *Sanderson, *Evans, *Todd, *Dunn, *Brooks H, *Matheny, *Carter, *Hall. (SB1701 by *Green)

2834

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Further consideration of House Bill No. 1405 previously considered on today's Calendar.

On motion, House Bill No. 1405 was made to conform with **Senate Bill No. 1701**; the Senate Bill was substituted for the House Bill.

Rep. McCormick moved that Senate Bill No. 1701 be passed on third and final consideration.

Rep. Pody moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1701 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the entire section and by substituting instead the following language:

(a) For purposes of this section:

(1) "Personal property" means any item that is lawfully owned or possessed by a person and includes, but is not limited to, firearms or firearm ammunition.

(b) An individual who is lawfully in possession of a motor vehicle or an occupant of a motor vehicle may transport and store in such motor vehicle any item of personal property.

(c) An owner of a motor vehicle may deny to any occupant or operator of such motor vehicle permission to transport and store any specific item of personal property.

(1) Any such denial shall be made by the owner of the motor vehicle in writing and acknowledged in writing by each occupant or operator.

(2) This subsection shall not apply to any leased or rented motor vehicles.

(d) An item of personal property may be:

(1) Removed from a vehicle or handled in the case of:

(A) Self-defense;

(B) Defense of another; or

(C) Defense of property.

(2) Stored in any part of the motor vehicle or as otherwise authorized by the real property owner, lessee, or manager.

(e) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall prohibit any person who is entitled to park a motor vehicle, or traverse on such real property from transporting and storing personal property pursuant to this section. This subsection shall not apply to the owner or occupant of a detached single family residence that is not open to the public for business purposes and that is posted pursuant to § 39-17-1359. Notwithstanding any statutory provision to the contrary, including but not limited to, those contained in Title 39, Chapter 17, Part 13, this section shall control.

(f) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall prohibit, bring criminal charges against, or take any other adverse action against any person transporting or storing personal property pursuant to this section. Any person, business entity, employer, or governmental entity that takes any adverse action, including, but not limited to, firing, disciplining, demoting, or otherwise punishing a person engaging in conduct in compliance with this section shall be liable for civil damages.

(g) In any civil action brought under this section, the court may grant relief as it deems appropriate, including any permanent or temporary injunction against any person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property. Such actions may be brought in a representative capacity. A person who prevails in any proceeding to enforce this section against any person, business entity, employer, or governmental entity shall recover reasonable attorneys' fees, expert witness fees, and court costs. In determining what reasonable attorney fees are for the prevailing party, the judge shall take into positive consideration whether the action was brought on a contingency fee basis.

(h) No person, business entity, employer, or governmental entity who is the owner, lessee, or manager of real property shall be liable in any civil action for damage, injury or death resulting from or arising out of actions of a person that is authorized by this section unless the person or entity commits an offense involving the stored personal property or otherwise solicits, induces, or procures the conduct resulting in the damage, injury, or death.

(i) This section shall not apply to any real property where another state statute expressly references this section and states that notwithstanding this section it shall control.

SECTION 2. Tennessee Code Annotated, Section 39-17-1359(a)(1), is amended by deleting the language "Except as provided in § 39-17-1313, an individual, corporation" and by substituting instead the language "An individual, corporation".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Rep. McCormick moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	45
Noes.....	29
Present and not voting.....	1

Representatives voting aye were: Bailey, Carr D, Carter, Casada, Coley, Dean, Dennis, Faison, Farmer, Favors, Forgety, Halford, Harrison, Haynes, Holt, Jernigan, Johnson C, Johnson G, Jones, Lamberth, Littleton, Lundberg, Marsh, McCormick, McDaniel, Miller, Odom, Parkinson, Pitts, Powers, Ramsey, Rich, Roach, Sanderson, Sexton, Shepard, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, White D, White M, Madam Speaker Harwell -- 45

Representatives voting no were: Alexander, Calfee, Carr J, DeBerry J, Doss, Durham, Eldridge, Evans, Floyd, Goins, Hall, Hardaway, Hawk, Hill M, Hill T, Keisling, Lollar, Matheny, Matlock, Moody, Pody, Rogers, Sparks, Towns, Turner J, Van Huss, Weaver, Williams K, Windle -- 29

Representatives present and not voting were: Ragan – 1

Rep. McCormick moved that **Senate Bill No. 1701** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes.....	6

Representatives voting aye were: Alexander, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Goins, Halford, Hall, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Swann, Tidwell, Towns, Travis, Turner J, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 83

Representatives voting no were: Akbari, Armstrong, Cooper, Gilmore, Hardaway, Stewart -- 6

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “no” on the tabling motion for Amendment No. 1 on **Senate Bill No. 1701** and have this statement entered in the Journal: Rep(s). Butt.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1247** -- Insurance Companies, Agents, Brokers, Policies - As introduced, reduces the time period that commercial lines insurance insurers have to furnish a requesting insured with a loss run history and subjects insurers violating the time-period to certain penalties. - Amends TCA Title 56. by *Keisling. (SB1350 by *Yager)

Further consideration of House Bill No. 1247 previously considered on today's Calendar.

On motion, House Bill No. 1247 was made to conform with **Senate Bill No. 1350**; the Senate Bill was substituted for the House Bill.

Rep. Keisling moved that Senate Bill No. 1350 be passed on third and final consideration.

Rep. Matlock moved that Insurance and Banking Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Matlock moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Keisling moved that **Senate Bill No. 1350** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Evans, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

***House Bill No. 1488** -- Criminal Procedure - As introduced, allows a magistrate to issue a search warrant based on information communicated by telephone or other reliable electronic means. - Amends TCA Title 39 and Title 40. by *Lamberth, *Carter, *Shipley, *Hardaway, *Sexton. (SB1685 by *Green)

Further consideration of House Bill No. 1488 previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 1.

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Lamberth moved that House Bill No. 1488 be passed on third and final consideration.

Rep. M. Turner moved the previous question, which motion prevailed.

Rep. Lamberth moved that **House Bill No. 1488**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes.....	12
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Doss, Eldridge, Evans, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hardaway, Harrison, Hawk, Haynes, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Odom, Pitts, Pody, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 75

Representatives voting no were: Dennis, Faison, Goins, Hall, Hill M, Hill T, Holt, Lynn, Moody, Parkinson, Spivey, Windle -- 12

Representatives present and not voting were: Durham -- 1

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 537 -- Memorials, Recognition - Commends Tennessee Department of Health for its Preventative Oral Health Initiatives. by *Ramsey, *Hardaway, *Akbari

On motion of Rep. Ramsey, **House Joint Resolution No. 537** was withdrawn from the House.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Joint Resolution No. 548** to be heard in the State Government Committee next week

Without objection, it was so ordered.

2839

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 384** to be heard in the Finance Ways & Means Committee next week.

Without objection, it was so ordered.

BILLS WITHDRAWN

On motion of Rep. Carter **House Bill No. 2026** was recalled from the Local Government Committee and withdrawn from the House.

On motion of Rep. Lollar **House Bill No. 1695** was recalled from the Local Government Committee and withdrawn from the House.

On motion of Rep. Butt **House Bill No. 2065** was recalled from the Business and Utilities Committee and withdrawn from the House.

On motion of Rep. Van Huss **House Bill No. 1249** was recalled from the Finance, Ways & Means Committee and withdrawn from the House.

On motion of Rep. Van Huss **House Bill No. 1319** was recalled from the Finance, Ways & Means Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 593 Rep(s). Dean, Todd, Rich and Watson as prime sponsor(s).

House Bill No. 570 Rep(s). Calfee as prime sponsor(s).

House Bill No. 590 Rep(s). D. White, Littleton, Evans, Sanderson and Bailey as prime sponsor(s).

House Bill No. 1134 Rep(s). Calfee, M. Hill, Lundberg, K. Brooks, Carter and Hall as prime sponsor(s).

House Bill No. 1265 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 1426 Rep(s). Ramsey as prime sponsor(s).

House Bill No. 1526 Rep(s). Calfee and Matlock as prime sponsor(s).

**THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

House Bill No. 1527 Rep(s). Calfee and Matlock as prime sponsor(s).

House Bill No. 1647 Rep(s). Calfee as prime sponsor(s).

House Bill No. 1694 Rep(s). Fitzhugh, Mitchell, J. Turner, Stewart, Pitts, Armstrong, Windle, Love, Shepard, Jones, Odom, Shaw, Gilmore, G. Johnson, Favors, Miller, Towns, Cooper, Parkinson, Hardaway, Tidwell, J. DeBerry, Camper, Akbari and Jernigan as prime sponsor(s).

House Bill No. 1759 Rep(s). Ramsey as prime sponsor(s).

House Bill No. 1772 Rep(s). Ragan, Rogers, Matheny, Towns, Womick, J.Carr, J. DeBerry, Spivey, Faison, Hardaway, Pody and Casada as prime sponsor(s).

House Bill No. 1776 Rep(s). D. White and Littleton as prime sponsor(s).

House Bill No. 2086 Rep(s). Eldridge, M. Hill, T. Hill, Mitchell, Matheny and Todd as prime sponsor(s).

House Bill No. 2411 Rep(s). Dean, Favors, Floyd and K. Brooks as prime sponsor(s).

House Bill No. 2490 Rep(s). Butt and Haynes as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McCormick was/were removed as sponsor(s) of **House Bill No. 2411**.

**ENGROSSED BILLS
February 20, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1370;

GREG GLASS, Interim Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1350; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 1350 -- Insurance Companies, Agents, Brokers, Policies - As introduced, reduces the time period that commercial lines insurance insurers have to furnish a requesting insured with a loss run history and subjects insurers violating the time-period to certain penalties. - Amends TCA Title 56. by *Yager. (*HB1247 by *Keisling)

**ENROLLED BILLS
February 20, 2014**

MADAM SPEAKER: Your Interim Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 149, 152 and 153; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Interim Chief Engrossing Clerk

**SIGNED
February 20, 2014**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 149, 152 and 153.

GREG GLASS, Interim Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution No(s). 677; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1370; substituted for Senate bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No(s). 481; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 481** -- Naming and Designating - State Constitution Day, February 6th. by *Kelsey.

MESSAGE FROM THE SENATE

February 20, 2014

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 762, 766, 1478, 1573, 1642, 1643, 1658, 1760, 1796, 1797, 2024, 2096, 2251, 2277 and 2347; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 762** -- Utilities, Utility Districts - As introduced, increases the term for municipal power districts board of directors from four to five years; increases the number of board directors for a telephone cooperative from three to five; revises provisions governing the board of directors for telephone cooperatives and power districts. - Amends TCA Title 7 and Title 65. by *Johnson. (HB1139 by *Dunn)

Senate Bill No. 766 -- Business and Commerce - As introduced, increases the amount of days a TNInvestco has to cure any areas of noncompliance after an annual review from 60 to 90 days and increases penalty for failure to cure from \$10,000 to \$15,000 per day. - Amends TCA Title 4, Chapter 28. by *Ketron, *Overbey. (*HB653 by *White M, *Sargent)

***Senate Bill No. 1478** -- Banks and Financial Institutions - As introduced, removes prohibition that only a depository institution may own an electronic cash dispensing machine. - Amends TCA Title 45, Chapter 2. by *Johnson. (HB1550 by *Harrison)

***Senate Bill No. 1573** -- Sunset Laws - As introduced, extends the Tennessee fish and wildlife commission, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 70, Chapter 1. by *Bell. (HB1614 by *Matheny, *Ragan)

Senate Bill No. 1642 -- Parks, Natural Areas Preservation - As introduced, clarifies that part of Burgess Falls scenic recreation area is in White County instead of wholly within Putnam County; adds as natural scientific areas Lost Creek in White County and Window Cliffs in Putnam County. - Amends TCA Title 11, Chapter 14, Part 1. by *Norris, *Bowling, *Burks. (*HB1436 by *McCormick, *Travis, *Brooks K, *Bailey)

Senate Bill No. 1643 -- DUI Offenses - As introduced, eliminates the exception for certain employees to the ignition interlock installation requirement; clarifies provisions regarding the issuance and use of a restricted license in conjunction with an ignition interlock device. - Amends TCA Title 40, Chapter 11; Title 40, Chapter 33; Title 50; Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5. by *Norris, *Beavers. (*HB1438 by *McCormick, *Shipley, *Brooks K, *Hardaway)

***Senate Bill No. 1658** -- Statutes of Limitations and Repose - As introduced, extends the period of limitation of prosecution for certain sexual offenses committed against a child to twenty-five years from the date the child becomes eighteen years of age. - Amends TCA Title 40, Chapter 2. by *Crowe, *Ketron. (HB2355 by *Coley)

THURSDAY, FEBRUARY 20, 2014 – FORTY-SEVENTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Bill No. 1760 -- Education - As introduced, prohibits counting walking to and from class towards the minimum of 90 minutes per week of required physical activity for public school students. - Amends TCA Section 49-6-1021. by *Ketron. (*HB1658 by *Brooks K)

Senate Bill No. 1796 -- Evidence - As introduced, creates presumption to successor trial and appellate judges that if the original trial judge dismisses the jury following a unanimous verdict, that the judge exercised his or her duties as the 13th juror and approves the verdict. - Amends TCA Title 40, Chapter 18, Part 1. by *McNally, *Campfield, *Massey. (*HB1526 by *Haynes)

Senate Bill No. 1797 -- Criminal Procedure - As introduced, enacts the "Channon Christian Act," which clarifies rule of evidence regarding certain character evidence. - Amends TCA Title 24, Chapter 7, Part 1. by *McNally, *Campfield, *Massey. (*HB1527 by *Haynes, *Kane)

***Senate Bill No. 2024** -- Motor Vehicles - As introduced, removes the requirement that an automobile retail seller must insure its GAP waiver obligation when the automobile retail seller does not assign the financing agreement of which a GAP waiver is a part to anyone other than the retail seller's related finance company. - Amends TCA Title 56, Chapter 59. by *Southerland. (HB2002 by *Littleton, *Dean)

***Senate Bill No. 2096** -- Banks and Financial Institutions - As introduced, revises various provisions relating to when certain financial institutions may pay out the proceeds of checks made payable to a deceased individual. - Amends TCA Title 3, Chapter 5; Title 4, Chapter 4; Title 45, Chapter 2; Title 45, Chapter 3 and Title 45, Chapter 4. by *Stevens. (HB2118 by *Sexton, *Fitzhugh, *Haynes, *Keisling, *Pitts, *Durham)

***Senate Bill No. 2251** -- Workers Compensation - As introduced, revised various provisions relative to certain employment not covered under the workers' compensation law. - Amends TCA Section 50-6-106. by *Massey. (HB2105 by *Haynes)

Senate Bill No. 2277 -- Basic Education Program (BEP) - As introduced, clarifies \$100 out of \$200 be given to each teacher by August 1 so that the teacher may spend it at any time during that school year on instructional supplies as determined necessary by the teacher; requires LEA to send written explanation to education committees and commissioner for any noncompliance. - Amends TCA Title 49, Chapter 3, Part 3. by *Dickerson. (*HB1894 by *Marsh)

Senate Bill No. 2347 -- Naming and Designating - As introduced, designates June 6 as "Transverse Myelitis Awareness Day". - Amends TCA Title 15. by *Ketron. (*HB1948 by *Todd, *Sparks, *Roach)

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1611; substituted for Senate bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
February 20, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1462, 1488, 1559, 1575, 1580, 1582, 1585, 1588, 1606, 1621, 1622, 1625, 1642, 1663, 1732 and 1733; also House Joint Resolution(s) No(s). 681, 686 and 688.

GREG GLASS, Interim Chief Engrossing Clerk

**ENROLLED BILLS
February 20, 2014**

MADAM SPEAKER: Your Interim Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1370; and House Joint Resolution No(s). 677; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Interim Chief Engrossing Clerk

**SIGNED
February 20, 2014**

The Speaker announced that she had signed the following: House Joint Resolution No(s). 677.

GREG GLASS, Interim Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 20, 2014**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution No(s). 677; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
February 20, 2014**

MADAM SPEAKER: Your Interim Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No(s). 677; for his action.

GREG GLASS, Interim Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 87

Representatives present were Akbari, Alexander, Armstrong, Bailey, Brooks H, Calfee, Camper, Carr D, Carr J, Carter, Coley, Cooper, Dean, DeBerry J, Dennis, Doss, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Spivey, Stewart, Swann, Tidwell, Towns, Travis, Turner J, Turner M, Van Huss, Weaver, White D, White M, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 87

RECESS

On motion of Rep. McCormick the House stood in recess until 5:00 p.m., Monday, February 24, 2014.